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## House Activity for Tuesday, June 19, 2018

### INTRODUCED AND REFERRED

**HB** **ONLINE SCHOOLS** (Reineke, B., Faber, K.) With regard to the operation of internet- and computer-based community schools and to require the Joint Committee on Agency Rule Review to review the Department of Education's manual on full-time equivalency student enrollment reporting. Am. 3314.024, 3314.03, and 3314.08 and to enact sections 3301.65, 3314.043, and 3314.231

Education & Career Readiness

Gongwer Coverage

### INTRODUCED

**HB** **LICENSE PLATE** (Reineke, B.) To create the "Ohio Association of Chiefs of Police" license plate. Am. 4501.21 and to enact section 4503.714

### CALENDAR FOR COMING SESSION

**SB** **HUMAN TRAFFICKING** (Kunze, S., Oelslager, S.) To allow a person who is found not guilty of an offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution.

Wednesday, June 20

**SB** **DAY DESIGNATION** (Hackett, B.) To designate the twenty-fifth day of May as "Ohio National Missing Children's Day."

Wednesday, June 20

**SB** **SPORTING LICENSURE** (Uecker, J., O'Brien, S.) To make changes to the laws governing hunting and fishing.

Wednesday, June 20

**HB** **CURSIVE HANDWRITING** (Brenner, A., Slaby, M.) To require instruction in cursive handwriting.

Wednesday, June 20

**HB** **PUBLIC DISCLOSURE** (Perales, R., Keller, C.) To eliminate the public disclosure exemption for any permanently retained record 100 years after the date of its creation.

Wednesday, June 20

**HB CONTROLLED SUBSTANCES** (Ginter, T., Sprague, R.) To require pharmacists to offer to dispense 231 controlled substances in lockable or tamper-evident containers.

Wednesday, June 20

**HB DRUG OFFENSES** (Gavarone, T.) To enhance penalties for certain drug offenses committed in the vicinity 296 of a community addiction services provider.

Wednesday, June 20

**HB TAX LEVIES** (Merrin, D.) To permit local tax-related proposals to appear only on general and primary 342 election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies.

Wednesday, June 20

**HB TAX COMPLAINTS** (Greenspan, D.) To increase the time within which boards of revision must decide 361 property tax complaints.

Wednesday, June 20

**HB PAROLE MONITORING** (Hughes, J., Boggs, K.) To provide for indefinite prison terms for first or second 365 degree felonies and specified third degree felonies, with presumptive release of offenders sentenced to such a term at the end of the minimum term; to generally allow the Department of Rehabilitation and Correction to reduce the minimum term for exceptional conduct or adjustment to incarceration; to allow the Department to rebut the release presumption and keep the offender in prison up to the maximum term if it makes specified findings; to require the Department to establish a reentry program for all offenders released from prison who it intends to have reside in a halfway house or similar facility but who are not accepted by any such facility; to require the Adult Parole Authority to establish maximum work-load and case-load standards for its parole and field officers and have enough trained officers to comply with the standards; to require that GPS monitoring used for offenders released from prison under such monitoring specify restrictions, including inclusionary zones and necessary exclusionary zones; to require the Department to establish system requirements for GPS monitoring of such offenders by the Department or third-party contract administrators; to require the Department to operate a statewide database for law enforcement use containing specified information about such offenders; to require that third-party administrators for GPS monitoring under a new contract with the Department provide and use a law enforcement-accessible crime scene correlation program; and to name the act's provisions the Reagan Tokes Act.

Wednesday, June 20

**HB CHILD CARE** (Carfagna, R.) Regarding parental notice of serious risks to the health or safety of children 383 receiving child care.

Wednesday, June 20

**HB TELEPHONE REGULATION** (Hill, B.) To revise state regulation of telephone companies. 402

Wednesday, June 20

**HB ADDRESS RECORDS** (Lanese, L.) To include forensic evaluation examiners and mental health evaluation 406 providers as individuals whose residential and familial information is exempt from disclosure under the

Public Records Law, and whose addresses public offices, upon request, must redact from records available to the general public on the internet.

Wednesday, June 20

**HBCEMETERY LOTS** (Patterson, J., Arndt, S.) To require a township to compensate the owner of certain **454** unused cemetery lots and rights which the township reenters after lack of response from the owner.

Wednesday, June 20

**HBSCHOOL OPERATIONS** (Koehler, K.) To eliminate various provisions and programs related to the **477** Department of Education and the operation of primary and secondary schools.

Wednesday, June 20

**HBFRANCHISE AGREEMENTS** (Antani, N.) To specify that a franchisor is not the employer of a franchisee **494** or employee of a franchisee for purposes of the Minimum Fair Wage Standards Law, the Bimonthly Pay Law, the Workers' Compensation Law, the Unemployment Compensation Law, and the Income Tax Law.

Wednesday, June 20

**HBHOMESTEAD EXEMPTION** (Brenner, A., Ginter, T.) To enhance the homestead exemption for surviving **513** spouses of peace officers, firefighters, and emergency medical personnel killed in the line of duty.

Wednesday, June 20

**HBLIQUOR PERMITTING** (Lanese, L.) To allow an outdoor refreshment area to include F liquor permit **522** holders.

Wednesday, June 20

**HBSPORTS GRANTS** (Schuring, K., Greenspan, D.) To remove limitations on the amount of sports events **531** grants that may be awarded in a fiscal year or for a specific grant, and to fund the grant program by diverting state sales tax receipts to a custodial fund administered by the Director of Development Services.

Wednesday, June 20

**HBVOLUNTEER HEALTH SERVICES** (Patterson, J., LaTourette, S.) To authorize health professionals **541** licensed in other states to provide volunteer health services during charitable events.

Wednesday, June 20

**HBMOTORCYCLE OPERATION** (McClain, R.) To permit a person to wear earplugs for hearing protection **548** while operating a motorcycle.

Wednesday, June 20

**HBANIMAL TREATMENT** (LaTourette, S.) To establish requirements governing the chemical capture of **552** animals, prohibit the use of gas chambers when euthanizing an animal, and to make changes to the law governing euthanasia of an animal by lethal injection.

Wednesday, June 20

REFERRED

## **Community & Family Advancement:**

**HBUNEMPLOYMENT DRUG TESTING (Schaffer, T.)** To require applicants for unemployment benefits to **704** submit to a drug test under certain circumstances, to require the Director of Job and Family Services to  
■ operate an Ohio Works First drug testing pilot program, and to make an appropriation.

## **Economic Development, Commerce & Labor:**

**SB OUTDOOR DINING (Coley, B.)** To generally allow an owner, keeper, or harbinger of a dog to take the **182** dog in an outdoor dining area of a retail food establishment or food service operation.  
■

## **Federalism & Interstate Relations:**

**HBCONCEALED HANDGUNS (Becker, J.)** To enact the "Decriminalization Effort For Ending Notorious **703** Deaths -- Teachers With Options (DEFEND-TWO)" to allow a concealed handgun licensee or qualified  
■ military member to carry a concealed handgun in certain public premises, to reduce the penalty for a concealed handgun licensee who carries a concealed handgun in a prohibited place, and to prohibit public employers and universities from disciplining employees or students who lawfully carry a concealed handgun on the premises.

## **Finance:**

**SB LAW ENFORCEMENT BENEFITS (LaRose, E., Hottinger, J.)** To revise the payments that surviving **296** family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving  
■ spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state.

**SB WATER IMPROVEMENTS (Gardner, R., O'Brien, S.)** To allow equipment for the protection and **299** preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund,  
■ and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin.

### **Gongwer Coverage**

**HBESC GRANTS (Manning, N.)** To make an appropriation for grants to support the employment of social **702** workers at educational service centers.  
■

## **Government Accountability & Oversight:**

**SB NOTARY PUBLIC (Huffman, M., Wilson, S.)** To enact the Notary Public Modernization Act. **263**  
■



**HB SCHOOL TREASURER LIABILITY** (Hambley, S., Ingram, C.) Regarding the circumstances in which school district and educational service center treasurers may be held liable for a loss of public funds.

## **Health:**

**HB 701** ■ **DRUG USES** (Huffman, S.) Regarding the promotion of drugs and devices for off-label uses.

## HOUSE SPEAKER'S APPOINTMENTS

Finance Committee: Appoint Rep. Lipps as vice chair

## COMMITTEE HEARINGS

Finance

**HB KINSHIP CAREGIVERS** (Boyd, J., Rezabek, J.) To require a region-based kinship caregiver navigator program. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Janine Boyd (D-Cleveland Hts.) said the context and goals of the proposal remain the same despite changes since the last General Assembly.

"It is a call to us to assist those who have answered the call to care for our most vulnerable citizens," she said. "It is an opportunity for this body to assist our kinship caregivers, as they intervene in situations of crisis."

The legislation is designed to provide navigators for kinship care providers, offering help and resources to family members caring for children in place of their parents, she said.

"Unfortunately, this section of Ohio Revised Code is permissive and with local Jobs and Family Services already feeling the burn in terms of local dollars, most Ohio counties have not been able to provide this service," she said. The legislation before you changes that. In this climate of addiction crisis, it is necessary to create a system where all kinship caregivers in Ohio have equitable access to vital services, as they step up to care for these children who are facing some of the most traumatic, unpredictable and stressful moments of their lives."

Fellow sponsor Rep. Jeffrey Rezabek (R-Clayton) said the measure would allow the Department of Job and Family Services to establish a system of regions for kinship navigators. The sponsors are seeking a substitute version that would shift funding away from federal TANF dollars and toward \$5 million in General Revenue Fund dollars.

"The savings will be more than the cost, we believe," he said.

The state might also soon be able to apply for matching federal dollars that could be used to fund the program in the future, he said.

Rep. Emilia Sykes (D-Akron) asked if there was a time restraint or a sense of urgency because of the federal match.

The language is written so that the state will be able to apply for the federal money as soon as it is available, Rep. Boyd said.

**HB WATER IMPROVEMENTS** (Arndt, S., Patterson, J.) To allow equipment for the protection and preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin. (REPORTED-SUBSTITUTE (See separate story); 4th Hearing-All testimony-Possible substitute & vote)

**HB INDUSTRIAL PARK LOANS** (Thompson, A., Edwards, J.) To reinstate the rural industrial park loan

**695** fund and to make an appropriation. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Andy Thompson (R-Marietta) said the proposal would reinstate the Rural Industrial Park Loan fund, which still exists in the Revised Code but has not been funded in recent budgets.

The proposal would allocate \$25 million from the Facilities Establishment Fund, which currently holds more than \$200 million.

"Re-appropriating this money is important for the purposes of enhancing economic development in rural Ohio and will consequently help Ohioans seeking employment and a better standard of living," he said. "This fund has historically been very successful at assisting business projects with cash flow and equity so these entities may tackle additional development ventures."

The program isn't restricted to Appalachia, but will support rural areas all over the state, the sponsor said.

The loan money can be used for economic development, land acquisition, construction, reconstruction, rehabilitation, remodeling, renovating and other industrial park and infrastructure improvements, he said.

Rep. Jack Cera (D-Bellaire) said the requirements to qualify as "distressed" under the fund relied heavily on the unemployment rate and asked the sponsor about considering changes in eligibility to better reflect economic needs of the counties.

The sponsor said there will be some tweaks that need to be made.

**Subscribers please note:** Full testimony is available on the committee's website under June 19.

Financial Institutions, Housing & Urban Development

**HB CREDIT FREEZES** (Henne, M., Kelly, B.) To modify the fees that a credit reporting agency can charge in **386** relation to a credit report freeze. (REPORTED (No testimony); 5th Hearing-All testimony-Possible vote)

**HB FORCIBLE ENTRY** (Merrin, D.) To clarify how to calculate certain timelines under which a forcible **390** entry and detainer action must occur. (CONTINUED-AMENDED (No testimony); 5th Hearing-All testimony-Possible vote)

Two amendments offered by Rep. Jim Hoops (R-Napoleon) were accepted without objection.

The first, he said, prohibits a condominium board from adopting rules or regulations prohibiting electric vehicle charging stations and specifies that unit owners are responsible for all costs.

The second, according to Rep. Hoops, allows a metro housing authority to operate mixed-use and mixed-income facilities.

Rep. Catherine Ingram (D-Cincinnati) questioned the rationale behind the second amendment and chairman Rep. Jonathan Dever (R-Cincinnati) said the panel will hear testimony on the change at its next hearing.

**Subscribers please note:** Full testimony is available on the committee's website under June 19.

Economic Development, Commerce & Labor

**HB WAGE INFORMATION** (West, T.) To prohibit a state agency from preventing an employee from **385** discussing the employee's own wages or another employee's wages, to prohibit a state agency from seeking a prospective employee's wage or salary history, to prohibit retaliation against an employee who discusses wages or opposes a prohibited act or practice, and to create the Wage Disparity Study Committee. (CONTINUED; 2nd Hearing-Proponent)

Erin Ryan, managing director of the Ohio Women's Public Policy network, testified in support.

She said the bill would strengthen equal pay laws for state employees by eliminating prohibitions against discussing wage information with co-workers.

She said some workplace policies don't match the changing workforce, and the state has policies in place that can lead to unfair pay and discriminatory hiring practices. The wage gap between women and men, Ms. Ryan added, stifles women and their families.

Among other things, the bill blocks state agencies from asking about a job applicant's salary history, a practice that can lead to offers of less money for job seekers.

Ms. Ryan said several private sector firms and governmental entities have also made that shift, eliminating the practice of requiring applicants from providing salary history information.

"In their decision to do so, they have cited the role this plays in contributing to wage gap and acknowledged that employees should instead be paid commensurate with their qualifications, experience, and required responsibilities of the job they are seeking," she said. "They also note that eliminating the practice of relying on salary history can attract wider, more diverse talent that would otherwise not apply."

The bill also prohibits retaliation against employees who discuss salaries, she said.

The measure also creates a Wage Disparity Study Commission that sets the stage for a review of the issue and the bill's impact over five years.

Responding to Rep. Brigid Kelly (D-Cincinnati), Ms. Ryan said some workers don't know they are receiving unequal pay until the issue is discussed among colleagues. She added that pay disparities often hurt families that are led by women.

**HB MINOR WORKERS (Perales, R., Romanchuk, M.)** Regarding hazardous occupations prohibited for **551** minors and providing training to certain minors employed in a construction or manufacturing occupation.  
■ (CONTINUED; 2nd Hearing-Proponent)

Rob Brundrett of the Ohio Manufacturers' Association testified in support, saying the bill would help students gain some experience in the manufacturing sector while also helping employers recruit needed workers.

He said the industry struggles to hire the workforce it needs, adding that there is a misconception among many people that manufacturing isn't thriving.

The bill, he said, achieves the goals of exposing young people to the industry and gives younger Ohioans valuable work experience.

Mr. Brundrett told Rep. Michele Lepore-Hagan (D-Youngstown) that employers themselves would provide safety training to their new hires. Manufacturers, he said, are highly interested in safety, and would want to ensure that anyone working in the businesses is safe.

Responding to Rep. Thomas West (D-Canton), Mr. Brundrett said the bill wouldn't impact laws dealing with work permits that some minors must obtain. Further, he told the panel the bill doesn't replace apprenticeship programs.

Rep. West questioned whether students hired for the manufacturing jobs would be paid equally with others working for the company. Mr. Brundrett said he assumes employers would follow typical wage scales for summer work or new employees.

Jenny Stupica, director of manufacturing engagement for ConxusNEO, said the looming retirement of 30% of manufacturing employees is a significant concern for the industry as it looks to hire new people to support growth.

She said decades of misconception about the industry have hurt companies' ability to recruit staff, and said many high school students are almost automatically directed toward higher education rather than given information about entering the workforce.

The bill, Ms. Stupica said, will give young people a better sense of manufacturing and the career pathways it offers.

Edward Friebel, co-owner of Cooper Enterprises, Inc., also backed the bill. He said many students already have their next steps planned before considering manufacturing. The bill, he said, helps the industry recruit and helps young people learn about the field.

He said his company already focuses on safety, and would conduct in-house training for new hires that could be brought on under the bill.

Bryan Williams of the Associated Builders and Contractors of Ohio also testified in support.

He said the bill removes barriers that prevent 16- and 17-year-olds from working in the construction field. Businesses, he said, would be responsible for covering the costs of an OSHA 10 training course for new workers.

Mick Given of Ferguson Construction also backed the bill. He said the industry has gotten much safer in recent years, and said having experience in the field as a young person would help a person make decisions about their career options.

Students might already be interested in the field, but the law would need to change for them to get job placement, he said. Mr. Given also said the bill would spur students' interest in career centers. "That gets you exposed to real life situations," he said.

Rep. Lepore-Hagan suggested that the industry might be suffering in some ways because of a reduction of school counselors who can point students to the construction field. The witness responded that the industry itself is becoming a counselor of sorts given that young people are growing up in different environments.

Written proponent testimony was submitted by Jessica Borza of the Mahoning Valley Manufacturers Coalition and Chris Ferruso of the National Federation of Independent Business/Ohio.

**HBAUXILIARY CONTAINERS** (Lang, G., Lipps, S.) To authorize a person to use an auxiliary container for 625any purpose, to prohibit a municipal corporation, charter county, or limited home rule township from imposing a tax or fee on auxiliary containers, and to clarify that the existing anti-littering law applies to auxiliary containers. (CONTINUED; 2nd Hearing-Proponent)

Lora Miller of the Ohio Council of Retail Merchants said local government regulations can sometimes be the most difficult factor for retail businesses to handle, particularly for multi-state retailers that follow regional strategies.

"The cost of doing business is artificially increased when retailers must design their operations at a micro level based on regulations that vary from municipality to municipality," she said. "For that reason, statewide solutions are preferred over local regulations."

She said a related proposal pending before the Cuyahoga County Council regarding a carry-out bag fee for some types of businesses and consumers sets the stage for those in the county to be treated differently.

"As with any proposal that targets a small segment of the state, those businesses within the jurisdiction where a tax or fee is imposed are placed at a disadvantage, particularly if they do business throughout the state," she said. "Uniformity is very important in the retail sector and having a patchwork of differing regulations across local government borders is both administratively and financially burdensome."

Ms. Miller said those policies could also force businesses out of a jurisdiction.

She added that many retailers are moving toward a "zero waste" solution, and that is part of the business plan for many companies.

"While it is true that such local programs are not universally available or as successful as others, we believe that local governments should be doing more to encourage voluntary recycling instead of implementing costly mandates that rarely achieve their stated goal," she said.

Responding to questions, Ms. Miller said many large retailers participate in voluntary recycling programs. She said, however, those programs are more expensive and more difficult for smaller retailers.

Zachary Frymier of the Ohio Chamber of Commerce also lent support, saying local rules taxing or banning containers can increase costs and impact business finances.

"These added costs not only impact a business's bottom line, but the extra tax also impacts consumers' purchasing power by making every trip to a store, restaurant or any establishment that utilizes auxiliary containers more expensive."

The bill, he added, is also a threat to companies that produce auxiliary containers for sale.

Rob Brundrett of the Ohio Manufacturers' Association said Ohio is a leading location for companies that generate containers, producing almost \$3 billion in output.

Those companies employ more than 7,500 Ohio workers who earn more than the state average.

"Ohio manufacturers make all sorts of world class products," he said. "But when local jurisdictions enact restrictions on product content, or on labeling of products, or on taxing of certain products, it makes it very difficult for compliance in today's global economy."

We like to mitigate local controls or taxes; better to have them at federal level so companies in once state aren't better off than other states

Written proponent testimony was also submitted by Chris Ferruso of the NFIB/Ohio, Matt Seaholm of the American Progressive Bag Alliance and Kristin Mullins of the Ohio Grocers Association.

Ms. Mullins said the industry has seen a "national influx" of city and local ordinances involving auxiliary containers.

"Plastic bag fees/taxes and outright bans can pose a significant burden for grocery and retail food establishments," she said. "There are numerous potential hardships associated with instituting a bag fee, particularly at the local level, that negatively impact our industry."

"Many OGA members operate across multiple municipalities and having varying rules and regulations relating to fees would be a logistical nightmare and prove difficult to manage," Ms. Mullins added. "We have also seen that these regulations create customer and employee confusion. We are on the front line of the customer experience; employees need to be adequately trained at the checkout in order to promptly adhere to the regulations. Furthermore, without proper education, consumers often associate these fees with the store itself and will simply choose to shop elsewhere."

**HCR GOVERNMENT REGULATIONS (Riedel, C., Holmes, G.) To urge Congress to propose the Regulation 24 Freedom Amendment to the Constitution of the United States. (CONTINUED (No testimony); 3rd Hearing-All testimony)**

**Subscribers please note:** Full testimony is available on the [committee's website](#) under June 19.

## State & Local Government

**HB STATE SPENDING** (Dever, J., Greenspan, D.) To require the Treasurer of State to establish the Ohio State **40** Government Expenditure Database. (REPORTED; 5th Hearing-all testimony-Possible vote)

In written proponent testimony, Dennis Hetzel, president and executive director of the Ohio News Media Association, called the Ohio Checkbook "very easy to use and effective for journalists" and said codifying it makes sense.

However, he warned that a competing site with similar information is a bad idea.

"While it is legitimate to discuss the most appropriate place to house such a website, we feel it's inarguable that a single, merged site makes the most sense both in terms of serving citizens and avoiding duplication of effort at taxpayer expense," he wrote.

**HBLAND SALES** (West, T., Green, D.) To give county auditors more discretion with respect to how often tax-**598** forfeited land shall be offered for sale, to expressly immunize counties from civil liability in connection with such land, and to remove a requirement that property held by a land bank for more than fifteen years must be offered for sale at a public auction. (CONTINUED-AMENDED; 2nd Hearing-All testimony-Possible amendments)

Prior to hearing testimony, an amendment offered by Rep. John Becker (R-Union Twp.) was accepted without objection. He said it will allow county auditors to select specific lands available for sale and determine the location of the sale.

Jason Warner, manager of government affairs at the Greater Ohio Policy Center, said the legislation "will make a small but important change to state law concerning forfeited land sales in the state of Ohio."

Mr. Warner said that because pre-sale inspections are not allowed, properties are often again abandoned after sale.

"This vicious cycle of neglect results in blighted neighborhoods with little hope for revitalization. Because current law mandates county auditors hold these sales annually, there is no ability to hold the properties and slow the cycle," he said. "Enactment of HB598 will allow county auditors to hold sales when they deem them necessary, and will permit entities like county land banks to acquire the properties and do the necessary revitalization work to turn the properties into community assets instead of blights."

Rep. Michael O'Brien (D-Warren) asked if current law requires county auditors to hold such sales annually.

Mr. Warner said that is the case and the measure would provide them with leeway to choose not to hold a sale in a particular year.

Gus Frangos, president of the Cuyahoga Land Bank, said the measure will allow small counties to manage the costs of advertising sales for a small number of forfeited properties.

"Municipalities, counties and land banks work very hard to make forfeited properties productive and placed back on the tax duplicate through responsible transfers," he said. "Many of these efforts extend across multiple forfeiture sale cycles, and therefore auditors and political subdivisions need to have flexibility as to the propriety of placing these properties into speculative sale auctions."

The County Auditors' Association of Ohio also provided written proponent testimony.

**HB AWARENESS MONTH** (Schaffer, T.) To designate July as "Hank Kabel Sarcoma Awareness Month." **651** (CONTINUED; 2nd Hearing-All testimony)

Amy Kabel, executive director and founder of the Hank Kabel Sarcoma Foundation, said 5,150 Americans are expected to die of sarcoma this year. Dogs, she said, can also get the disease.

"Through research I found out that one in three dogs will be diagnosed with cancer in their lifetime and 50% will die of the disease," she said. "I learned that some breeds of dogs are more prone to cancer than others and there are common signs to look for in canine cancer and sarcoma. I also learned that dogs get sarcoma five times more than people with children being the second most common to be diagnosed with sarcoma."

**HB TAX LEVY** (Barnes, J.) To expressly authorize municipal corporations to impose an unvoted property tax **675** levy not exceeding one mill per dollar of taxable value for the purpose of funding a local Hope for a Smile Program. (CONTINUED (See separate story); 2nd Hearing-All testimony)

**SB REGIONAL GOVERNMENT COUNCILS** (Dolan, M.) To modify the law concerning regional councils **239** of governments. (CONTINUED (See separate story); 2nd Hearing-All testimony)

**Subscribers please note:** Full testimony is available on the [committee website](#) under June 19.

#### Ways & Means

**HB COMMERCIAL VEHICLE TRAINING** (Sprague, R., Howse, S.) To authorize a tax credit for expenses **155** incurred by an employer to train a commercial vehicle operator. (REPORTED; 3rd Hearing-All testimony-Possible vote)

Kimberly McConville, executive director of the Ohio Beverage Association, said the measure will incentivize companies to train their own drivers, increasing the number of qualified candidates for open jobs. She said a shortage of drivers is a "real problem" for her group's members.

"We can't rely on people walking in off the street and applying for those truck driving jobs," she said.

Jennifer Rhoads, president and CEO of the Ohio Petroleum Marketers and Convenience Store Association, submitted written testimony in favor of the legislation.

"Complex problems often require comprehensive, multifaceted solutions," she said. "This proposal is a productive step toward alleviating the driver shortage that continues to hamper Ohio businesses."

The committee voted 16-0 to favorably report the measure.

**HB TAX RETURNS** (Becker, J., Leland, D.) To allow married couples to elect to file either separate state tax **333** returns or a joint state return, irrespective of their federal filing status. (CONTINUED-AMENDED (No testimony); 4th Hearing-All testimony-Possible amendments & vote)

Rep. John Becker (R-Union Twp.) offered an amendment he said would clarify language on how the joint filing tax credit would be calculated. The committee accepted the amendment without objection.

**HB CIGARETTE PRICES** (Scherer, G., Cera, J.) Regarding cigarette minimum pricing. (CONTINUED; **566** 1st Hearing-Sponsor)

Rep. Gary Scherer (R-Circleville) in sponsor testimony said the measure is intended to update the language in a law originally passed in the 1940s.

"This legislation brings clarity for purposes of complying with, administering and enforcing the law," he said. "The legislation does not change the minimum mark-ups."

Rep. Jack Cera (D-Bellaire) said in sponsor testimony the intent of the legislation is to clarify the law for cases in which wholesalers are selling to other wholesalers or in which wholesalers or retailers are lowering prices to match a competitor. He said the measure also would prevent retailers from soliciting wholesalers for a price that is less than the wholesale minimum price.

Rep. Cera said the legislation also would clarify what the existing law means by "invoice cost."



Rep. Wes Retherford (R-Hamilton) asked the sponsors what legislation would mean for consumers.

Rep. Scherer said prices for the end user should remain the same after the legislation takes effect.

Rep. Doug Green (R-Mt. Orab) asked who would see a monetary impact from the legislation.

Rep. Scherer said the goal is to prevent anyone in the industry from taking advantage of "antiquated terms" in the law to gain an advantage incompatible with the law's original intent.

**HBLODGING TAXES** (Greenspan, D.) To specify that, for the purposes of the sales and use tax and local **571**lodging taxes, the "price" on the basis of which a hotel intermediary must collect and remit the tax is the total amount paid by the customer for the hotel lodging, as advertised by the hotel intermediary. (CONTINUED (See separate story); 2nd Hearing-All testimony)

**Subscribers please note:** Full testimony is available on the committee website under June 19.

#### Education & Career Readiness

**HBSCHOOL PROPERTY** (Ingram, C.) To eliminate the right of first refusal for community schools, college-**487**preparatory boarding schools, and science, technology, engineering, and mathematics schools in the acquisition of school district real property. (CONTINUED; 1st Hearing-Sponsor)

Rep. Catherine Ingram (D-Cincinnati) in sponsor testimony said under existing law, districts must offer charter schools and other educational entities the chance to buy property for 60 days before it can go up for auction.

"This unnecessary delay and hindrance to Ohio's school districts is an example of bureaucratic red tape that can and should be eliminated in order to allow boards of education the ability to best serve the interests of the communities and students they serve," she said.

Rep. Ingram said the measure does not prevent charter schools from purchasing school district property. She said they would be able to participate in the public auction process.

**HBSCHOOL SAFETY STANDARDS** (Rogers, J., Perales, R.) To require the State Board of Education to **544**adopt rules prescribing standards for safety enhancements to new public and nonpublic school facilities and to require the Ohio Facilities Construction Commission to revise its construction and design standards to comply with the State Board's standards. (CONTINUED; 2nd Hearing-Proponent)

James McBride of Lakeland Community College, a retired police chief, submitted written testimony in favor of the legislation.

"Adoption of this legislation by the House and subsequently by the Ohio General Assembly would serve to make Ohio's students and those who teach them and support them at new learning sites much safer and more difficult to attack than currently may be the case," he wrote.

Anthony Podojil, executive director of the Alliance for High Quality Education, also submitted written testimony in favor of the measure's provisions that assist school districts looking to implement new safety measures.

"In my discussions with members in my organization as well as other superintendents throughout the state, the need for guidance and direction in this area is both timely and critical," he wrote. "As school personnel begin to review numerous ideas and improvements related to safety and security measures, having a clearinghouse of ideas developed by professionals with expertise in this area would be extremely beneficial."

Howie Beigelman, executive director of Ohio Jewish Communities, urged the committee to report the measure, but added he hoped the state would consider providing a funding source for potentially expensive security improvements.



"We would welcome changes to this legislation that provide equitable funding for schools as they construct - and potentially renovate - buildings to create more secure spaces for learning," he wrote.

**HB EDUCATOR LICENSES (Stein, D., Retherford, W.)** With regard to qualifications for obtaining a **628** resident educator license. (CONTINUED; 2nd Hearing-Proponent)

Melanie Olmstead, director of government affairs for the nonprofit American Board, said rural Ohio school districts are struggling to attract teachers, a problem the legislation will help solve if it passes this legislation. She said the measure will help districts avoid employing non-credentialed teachers as a response to a shortage of qualified educators.

Ms. Olmstead said the measure "maintains teacher quality" by requiring providers have a "proven track record of success" to participate.

Rep. Robert Cupp (R-Lima) asked what makes her organization's program different from a standard college program.

Ms. Olmstead said her group's online program is competency based, self-paced and always open to new enrollees.

Rep. John Patterson (D-Jefferson) asked why her group's program does not include student teaching requirements. He said the lack of such requirements leaves him with "deep concerns."

Ms. Olmstead said the average prospective is about 39 years old.

"These people have experience dealing with children already," she said, adding that school administrators have reacted positively to the program's graduates.

Rep. Patterson said he also has concerns about the group's online education model.

Rep. Ingram asked what American Board gets out of providing training and how it monitors its graduates.

Ms. Olmstead said American Board follows up with its graduates to determine where they're working and participated in a study with Drexel University to evaluate the teachers it has produced. She said the group gets a positive result for local communities.

"We want to help communities develop their own pool of teachers," she said.

Shawn McCollough, president and CEO of American Board, said he expects pushback from educational groups and teachers unions that will question how a program that does not require student teaching can be effective.

He said a program with a student teaching requirement does not necessarily produce a better teaching candidate.

"We're putting out people with the same expectation that the university does," he said. "We're giving them a chance to become a good teacher."

Rep. Cupp asked what grade levels most American Board graduates end up teaching.

Mr. McCollough said his program produces certified teachers at all grade levels.

Rep. Theresa Gavarone (R-Bowling Green) asked if any states have ever stopped using American Board.

Mr. McCollough said Arizona at one point stopped utilizing the program for several months when a new director of its department of education took over, but that legislature later reversed course and allowed the program to continue operating in that state.

Rep. Ingram asked if the program excludes anyone.

Mr. McCollough said candidates need to have bachelor's degrees and be able to pass a background check.

**HB SCHOOL BUSES** (Barnes, J.) To require all passenger seats on school buses to be equipped with occupant **680** restraining devices beginning on July 1, 2019, and to designate "Safe School Week." (CONTINUED; 1st Hearing-Sponsor)

Rep. John Barnes (D-Cleveland) said in sponsor testimony the legislature has a "great opportunity" to ensure the safety of children and prevent misbehavior. He said the state requires many different kinds of passengers and drivers to wear seat belts on various types of vehicles.

"Our children, our most precious cargo ... have no restraints," he said. "They have no seatbelts."

Rep. Barnes said he sees the measure as a "common sense" safety solution.

"Seat belts could have a very positive impacts on the lives of our kids," he said.

Rep. Steve Huffman (R-Tipp City) asked how much this would add to the cost of a new bus.

Rep. Barnes said he is working to get information regarding the potential costs of the legislation, but he thinks local school districts can absorb them.

"I don't think we can place a cost on the safety of our kids," he said.

Rep. Kyle Koehler (R-Springfield) asked if the bill would require students to wear the devices after they are installed and whether the state would provide booster seats for smaller children.

Rep. Barnes said the legislation would require the use of the restraints when the bus is operating, adding the legislature would have to discuss booster seats.

Rep. Patterson asked how bus drivers can determine whether the belts are in place when the bus is in operation.

Rep. Barnes said the law might not be followed by every student, but he believes a majority would put on the seat belts.

Rep. Patterson asked if the law would require existing buses to be retrofitted before July 1, 2019.

Rep. Barnes said it would, but he thinks the state could find a way to negotiate with manufacturers to provide retrofitted equipment at a reasonable price.

**SB SCHOOL REGULATIONS** (Huffman, M.) To enact the "Ohio Public School Deregulation Act" regarding **216**the administration of preschool and primary and secondary education programs. (CONTINUED; 4th Hearing-All testimony-Possible amendments & vote)

Tim Katz, executive director of the Ohio Alliance for Arts Education, said his group said supports a possible amendment that would treat licensure for arts educators similarly to physical education teachers.

"The OAAE requests that a provision be added to SB216 specifying that all courses in the arts at all grade levels be taught by a teacher with a multi-age, pre-K-12 license in a specific arts discipline of dance, drama, music, or visual art, or an equivalent license in a specific area," he said. "A similar provision in Ohio law exists for the teaching of physical education, and this should be done for arts education as well."

Rep. Dan Ramos (D-Lorain) asked if college students could not take a single visual art course and end up using their degree to teach visual arts at the elementary level if a change is not made.

Mr. Katz said he believes that is possible at certain universities.

Rep. Patterson asked if the legislature adopts the suggested amendment whether there would be enough qualified teachers to meet the demand in the state.

Mr. Katz said elementary art teachers predominantly have higher qualifications than the worst-case scenario he described, so he thinks the demand could be met. He said the state should not move forward with looser restrictions that could lead to additional teachers with a low-quality training to serve as arts educators.

**SB STUDENT REMOVAL** (Lehner, P., Manning, G.) To enact the "SAFE Act" to revise the procedures for 246 emergency removal of a student, to prohibit certain suspensions and expulsions of students in grades pre-kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation. (CONTINUED; 1st Hearing-Sponsor)

Sen. Peggy Lehner (R-Kettering) thanked Rep. Sarah LaTourette (R-Chagrin Falls) and Rep. Patterson for supporting her inclusion of the measure as an amendment to legislation (HB 318) aimed at setting standards for school resource officers and providing grant funding for safety training.

"... It will allow the important provisions in the bill to go into effect a full year sooner than it might otherwise due to the challenging time frame we face," she said.

Sen. Lehner said suspensions can lead young students to feel "emotionally wounded" and leave the academically behind.

"Simply put, suspension and expulsion practices are harmful to young students and there is considerable evidence that they do nothing to change behavior or improve classroom discipline," she said.

Sen. Lehner said the bill requires schools to incrementally eliminate most suspensions for students in third grade and younger and implement a positive behavior intervention and support, or PBIS, framework. The measure includes \$2 million in grant funding to aid district in setting up the framework.

Rep. Ingram asked how the \$2 million would be distributed.

Sen. Lehner said \$2 million will go directly to school districts as grants of up to \$5,000 per school or \$25,000 per district.

"I think it's a reasonable good start," she said, adding additional funding could be put toward the effort in the next budget.

Rep. Ramos said the bill is a "great idea" but questioned the delayed timetable for implementation.

Sen. Lehner said school may not comply if the entirety of the law is implemented immediately. She said the legislation gives schools time to retrain and plan for the measure to fully take effect.

Rep. Teresa Fedor (D-Toledo) said the bill is "really important work." She asked if Sen. Lehner will be willing to look into how the state can help districts deal with students who are identified as having more serious problems through the implementation of the measure.

Sen. Lehner said one goal of the legislation is to "try to catch some of these kids before more damage is done." She said the legislature should continue to look at providing additional resources for students with serious behavioral issues.

Chairman Rep. Andy Brenner (R-Powell) asked about concerns that the bill is an unfunded mandate.

"It may be a major restructuring at some of these schools," he said.

Sen. Lehner said she rejects the notion that the bill is an unfunded mandate because it requires districts to stop punishments that could lead to more expensive interventions down the road. She training for the framework also could be included in teachers' professional development requirements, which districts already fund.

"The bill is not an unfunded mandate in any way," she said.


Rep. Brenner said the requirements in the bill could lead districts to adjust resources and could be considered an unfunded mandate.

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# GONGWER Ohio

The Record of Capitol Square Since 1906

## Volume #87, Report #118 -- Tuesday, June 19, 2018

### Firearm Bill Eyed For House Action As Smith Outlines Priorities

With a contentious leadership battle over, Speaker Ryan Smith said Tuesday he's focused on policy as the House looks to wrap up work for the summer in the next two weeks.

Among the Republican caucus' priorities before breaking for summer is a so-called "stand-your-ground" bill (HB 228) backed by gun rights groups but opposed by anti-gun violence advocates. That measure cleared a House panel in May. (See Gongwer Ohio Report, May 22, 2018)

The Bidwell Republican said another gun policy proposal (HB 585), which has the backing of Gov. John Kasich but little support among pro-gun groups, is one the caucus will take more time to consider and weigh possible changes.

"That bill's, frankly, caused a lot of consternation with our caucus," he said.

On the stand-your-ground bill, the speaker said he's confident the measure has enough support among House Republicans to override a potential veto.

"I think it's important to our caucus," he said. "I believe we could get 60 votes for that."

The comment drew criticism from Rep. David Leland (D-Columbus), who voted against the measure in committee.

"Now we know what Rep. Smith had to promise to get his paltry 44 votes for speaker," Rep. Leland said in a statement. "Sadly, as a result, Ohioans will be less safe and local communities will be unable to protect their citizens from gun violence. As The Who said, 'meet the new boss, same as the old boss.'"

In general, the speaker said he's focused on what the chamber would like to see get done in the next two weeks. Those priorities include an effort to tighten regulations on virtual charter schools. (*See separate story*)

The next two weeks likely won't feature movement on right to work legislation, nor will the House move quickly on abortion measures, including one that bans the procedure after the detection of a fetal heartbeat, he said.

Another piece of legislation that remains stalled is an effort to overhaul the state's unemployment compensation system (HB 382 & HJR 4). The chairman of the committee in which that effort sits said last week the effort is "dead." (See Gongwer Ohio Report, June 15, 2018)

"It's proven to be a thorny issue for a long time. I still think it needs to be a priority for us to have a discussion on, because we are still one recession away from being back in debt to the U.S. government," Rep. Smith said.

The speaker said his approach to gaining support in the caucus after the leadership fight has been to work with members and not punish those who supported other candidates for the top job.

"If there's not retribution, if people feel like they're getting a fair shake, that tends to bring people together," he said. "The leadership fight I consider to be over. I'm moving forward and acting as speaker as best I can."

On the political side, he said Rep. Scott Ryan (R-Newark), chair of the House Republican Organizational Committee, has had small group meetings with members to discuss concerns with the operations of the caucus' political arm.

"I think it's a plan of we're not going to do much spending until we have to," Rep. Smith said. "We're focused on putting the dollars where they need to be, which is in the races where we need to bring back our members."

### Lending Bill Poised for Quick Senate Vote

A proposal to overhaul the state's regulation of payday lenders is expected to move quickly through a Senate committee, which got its first look at the legislation Tuesday.

Senate Finance Committee Chairman Sen. Scott Oelslager (R-N. Canton) said the bill (HB 123) is expected to be ready for the Senate floor next week, when lawmakers are likely to complete their work before recessing for the summer.

The chairman set an additional hearing for Thursday morning to hear testimony from all sides on the issue, and said any changes and a vote are expected next week.

The measure cleared the House on June 7. (See Gongwer Ohio Report, June 7, 2018)

At Tuesday's hearing, the sponsors outlined provisions and explained their goal to rein in short-term lending.

Sponsor Rep. Michael Ashford (D-Toledo) said the General Assembly implemented regulations, including caps on interest rates, in 2008, but lenders instead offered loans under a separate section of statute that allowed them to avoid the caps.

"Not only is it our responsibility to deal with this problem, it's a great opportunity to work together and find a compromise solution that is viable for responsible lenders and affordable for borrowers, which we have delivered with HB123," he said.

Fellow sponsor Rep. Kyle Koehler (R-Springfield) said the proposal is a compromise between allowing the industry to charge unlimited interest rates and shutting down payday lenders altogether, he said.

The law passed in 2008 would dry up the industry in the state, and the proposal is designed to ensure consumers have access to loans without allowing exorbitant rates and fees, Rep. Koehler said.

This proposal would close loopholes, retain the 28% interest rate limit of the 2008 legislation and limit monthly payments to 5% of the borrower's gross monthly income, he said.

People who have fallen victim to high-cost loans that they have been unable to pay off often feel embarrassed for getting into the situation in the first place, and therefore are less likely to file complaints, Rep. Koehler said.

Sen. John Eklund (R-Chardon) said monthly maintenance fees are not included in the definition of interest, but they are included in the calculation of annual percentage rate.

"There is no limit on APR in this bill," Rep. Koehler said. "There is a limit on the interest rate."

The fees are capped at 50% of the loan, he said.

Sen. Bill Coley (R-Liberty Twp.) asked if lenders Rep. Koehler discussed in Springfield are advertising payday loans and asked if they were licensed.

Rep. Koehler said some of them advertise as advancing paychecks, and that while they are licensed to operate, they aren't licensed under the law passed in 2008.

"Almost all of the ones that I listed are licensed as CSOs, as credit service organizations, under a license that was created to consolidate loans that are over \$10,000," he said.

Sen. Coley asked if all of the lenders currently operating are charging the maximum rates. He asked why out-of-state companies that charge lower rates aren't able to operate in Ohio.

Rep. Koehler said they agree that the current Short-Term Loan Act is too restrictive, but to operate they would have to register as credit service organizations.

"To come in they have to be disingenuous about who they are," he said. "They're not being a payday lender."

Rep. Koehler said he was concerned that any compromise language would move too quickly and wouldn't be vetted enough, potentially setting up future problems the legislature would have to return to address.

"They substituted language in at the last minute and I'm terrified that that's what's going to happen and it's not going to do what we need it to do," he said.

Lenders, meanwhile, said they hoped to work in the Senate toward a compromise that ensures consumers still have access to credit.

"We look forward to sharing with Senators our support for reform that better protects consumers while preserving access to legal, safe, and regulated credit for more than a million Ohioans who use our products," Pat Crowley, spokesman for the Ohio Consumer Lenders Association, said in a statement.

#### Lake Erie Funding Measure Advances As Administration Seeks Tougher Regulations

A proposal to provide money for programs aimed at improving Lake Erie's water quality \cleared a House panel Tuesday after the funding source for one program was changed.

The measure ([HB 643](#)) is a companion bill to a Senate proposal ([SB 299](#)) that cleared the upper chamber last week. (See [Gongwer Ohio Report, June 6, 2018](#))

The House Finance Committee voted unanimously to report House proposal after accepting a substitute version that [Rep. Steven Arndt](#) (R-Port Clinton) said would shift the funding source for a \$20 million Department of Agriculture phosphorus reduction program from capital dollars to General Revenue Fund money.

The panel also questioned Ohio EPA Director Craig Butler, who testified as an interested party to say the proposal doesn't go far enough in addressing the problem.

He pointed to draft legislation the agency has been working on this year, which maps out a different approach to reducing nutrient loading in the lake. The agency failed to find a sponsor for that effort. (See [Gongwer Ohio Report, May 7, 2018](#))

That proposal would allow the Department of Agriculture to establish rules for farms within watersheds in distress that address commercial fertilizer, Director Butler said. The state needs to take regulatory action, he suggested.

"So, in short, voluntary measures, such as are in this bill, will still be a major part of Ohio's action plan and will get us a few steps closer to where we need to be," he said. "However, we do have data that shows these voluntary programs alone are not providing the required results, and we need to adapt our approach to include regulatory measures, especially in documented high-nutrient contributing sub-watersheds."

Rep. Andy Thompson (R-Marietta) asked if there have been any technological solutions to help retain nutrients on farmland.

The entire issue centers around keeping nutrients on the farm field, Director Butler said. Injection of fertilizers and other nutrients, rather than just broadcasting them on the field's surface, will reduce runoff significantly.

The measure picked up support from Chris Winslow, director for Ohio Sea Grant and Stone Lab at the College of Food, Agricultural and Environmental Sciences at Ohio State University, who said the college has demonstrated its ability to foster partnerships and administer similar programs in the past.

The investment in Ohio Sea Grant and Stone Lab included in the legislation will help both programs grow and develop better ways to protect Lake Erie.

"We have a long history of conducting solid research and getting that information into the hands of people who need it," he said.

The funding will also help the laboratory study future concerns and stresses for the lake, he said.

Rep. John Patterson (D-Jefferson) said the state currently has a phosphorous problem in Lake Erie, but there are concerns about nitrates in the southern part of the state and asked if Stone Lab is researching that issue also.

The lab measures and often addresses both phosphorous and nitrogen, even though the interactions are different in freshwater and marine systems, he said.

"Nitrogen is as important as phosphorous," he said.

#### Tax, Tourism Groups Clash Over Online Travel Tax Measure

Proponents and opponents of a bill aimed at increasing tax collections from internet-based travel companies sparred Tuesday in the House Ways and Means Committee over whether the measure constituted a new tax.

The sponsor of the legislation (HB 571), Rep. Dave Greenspan (R-Westlake), previously argued sites such as Expedia.com, Travelocity and Orbitz unfairly benefit from the state's tax code because they are not required to remit the same amount in taxes to local jurisdictions as hotels. (See Gongwer Ohio Report, June 5, 2018)

Joe Savarise, executive director of the Ohio Hotel and Lodging Association, said the legislation will end an "unfair competitive advantage" enjoyed by online travel companies that do not collect and remit sales and use and lodging taxes on the total price paid by customers.

"When Ohio consumers make other purchases, they expect to pay, and have vendors remit, tax on the retail rate," he said. "All Ohio's hotels follow this simple principle. At the same time, our industry is taxed different from any other industry in the state of Ohio, with a very specific tax ... It is simply time for everyone to pay their fair share."

Andrew Herf, executive director of the Ohio Association of Convention and Visitor Bureaus, said collecting the additional amount from online travel companies would lead to increased revenue for members of his group, which would lead to a hike in spending to promote tourism within the state.

"(Visitor bureaus) drive business to the local communities in Ohio, and I think that's really important," he said.

While Mr. Herf argued collecting the tax could lead to increased tourism in Ohio, Micah Derry, state director of Americans for Prosperity, said it likely would have the opposite effect.

"History has proven that taxing (online travel company) services has stifled tourism and hurt the overall economy," he said. "With Ohio's tax climate currently ranked as 45th in the nation, the last thing Ohio needs is yet another tax."



Mr. Derry said he also disagrees with the claim that the companies are not paying their fair share to the state, arguing they cover all applicable taxes. He said the service fees the businesses keep in their agreements with hotels ultimately are not subject to Ohio's excise, lodging or sales taxes.

Asked by Rep. Craig Riedel (R-Defiance) why the group would oppose a tax parity measure, Mr. Derry said it's the group's position that this legislation is no such thing. He said in order for the measure to be a tax parity bill, online travel companies and hotels would have to be provide the same services, which they do not.

Jack Boyle, executive director of Ohioans for Tax Reform, said his group also opposes the legislation, which he said violates the group's Taxpayer Protection Pledge, an agreement to oppose any tax increases.

"If one wants to make the argument that it is in some way 'fairer' to create a new tax to cover this type of transaction, one is free to do so," he said in written testimony. "But applying a tax to an activity which up to now has not been subject to the tax cannot be understood as anything other than a tax increase."

Jesse Hathaway, a research fellow with the Heartland Institute, said his group views the measure as a new tax that "would really disrupt a vibrant market" and discourage people from visiting the state.

While multiple groups consider the legislation a new tax, Melinda Huntley, executive director of the Ohio Travel Association, said that's simply not the case.

"The tax burden is already on consumers," she said. "This simply clarifies that online travel companies must remit taxes based on the cost of the room to consumers, the same as Ohio hotels. We believe that the taxes should be remitted to the proper jurisdiction, and that these dollars should stay in Ohio and in its communities."

Asked by Chairman Rep. Tim Schaffer (R-Lancaster) why the lodging industry, which benefits from online travel companies' services, would support this measure, Ms. Huntley said hotel operators view it as a fairness issue. She said she thinks industry members also want to see the potential new tax revenue reinvested to support the local communities they belong to.

Rep. Michael Henne (R-Clayton) asked Mr. Herf of the Ohio Association of Convention and Visitor Bureaus if he could refute the assertion of the measure's opponents that the bill represents a new tax.

"If this wasn't a new tax, then (Tax Commissioner Joe) Testa would have been collecting it a long time ago," Rep. Henne said.

In response, Mr. Herf said the proponents of the bill have a compelling case the taxes should be collected under existing law and are "here to ask the referee to decide that for us."

Local government groups joined organizations representing lodging businesses and visitor bureaus in supporting the measure.

Shelby County Commissioner Julie Ehemann said online travel companies are benefiting from a loophole in the law the legislature can and should change.

"Counties are being deprived of sales tax revenue each time a consumer uses an (online travel company)," she said.

Beyond closing a loophole, Kent Scarrett, executive director of the Ohio Municipal League said the measure would help local governments recover from state cuts in funding. He said the legislation "merely updates current law to reflect the digital age."

The Ohio Municipal League and the Ohio Township Association also submitted joint written testimony in favor of the measure.

Rep. Jack Cera (D-Bellaire) said he was unconvinced the measure would make a huge difference to cash-strapped local governments, adding he "would rather put our efforts to restoring local government funding at a larger level." The Legislative Service Commission has estimated the measure could generate an additional \$3 to \$7 million per year, although the bill's sponsor has argued it could lead to a much larger increase in revenue for local entities.

Mr. Scarrett said he also would like to see the legislature take up the issue of funding for local governments, but added any additional revenue would help communities in the meantime.

Rep. Wes Retherford asked if any other industry is asked to remit taxes based on the price the consumer pays rather than the cost of goods used to perform a service. For instance, he said he wondered if a lawn-care company could be taxed on the amount the customer pays for his or her lawn to be fertilized rather than simply paying the applicable sales tax for the fertilizer.

"Where does it stop?" he said.

Additional testimony is available on the committee's [website](#).

### E-School Oversight Bill Gets Quick Review In House

The House Education & Career Readiness Committee conducted an informal hearing on legislation aimed at establishing new standards for online schools Tuesday - the same day the bill was introduced.

One of the measure's primary sponsors, Rep. Bill Reineke (R-Tiffin), said the plan (HB 707) "seeks to address shortcomings in Ohio's laws governing e-schools by establishing a consistent regulatory structure that provides certainty for Ohio's education providers." He said the measure would create "clear and consistent guidelines and deadlines" for the Department of Education to follow regarding the establishment of definitions and rules regarding enrollment and participation at online schools.

Rep. Keith Faber (R-Celina), the other primary sponsor, said the measure also requires the adoption of rules regarding when an internet-based school is allowed to disenroll a student because of a lack of participation.

Rep. Reineke said the legislation also would lead to increased transparency regarding e-school funding "because Ohioans have the right to know how these tax dollars are being spent."

Rep. Faber said the bill achieves the goal by adding financial disclosure requirements regarding money spent on advertising, books, communications, promotions and travel, among other categories.

He said the measure also would create a bipartisan committee to study the possibility of implementing a funding model for e-schools tied to student learning, rather than enrollment. The committee would be required to finalize its report by Nov. 1.

Rep. Andy Brenner (R-Powell), the panel's chair, said many provisions stem from State Auditor Dave Yost's recommendations. The auditor in May referred his office's audit of online school the Electronic Classroom of Tomorrow for potential criminal prosecution (See Gongwer Ohio Report, May 10, 2018)

Democratic candidates for statewide office have sought to tie their opponents to the now-shuttered e-school, claiming Republicans ignored problems at the school for too long. Former Congressman Zack Space, the Democratic candidate for auditor, previously accused Rep. Faber, his Republican opponent in the race, of not doing enough to rein in ECOT during his tenure as Senate president. (See Gongwer Ohio Report, June 13, 2018)

Committee Democrats expressed interest in the bill, but also questioned its timing.

Rep. Teresa Fedor (D-Toledo) said Auditor Yost has offered similar recommendations in the past that were ignored by Republicans.

Rep. Kent Smith (D-Euclid) said he's "all for" improved regulations for e-schools, but added the committee's members had not had much time to review the 37-page bill. He asked if the measure includes a provision setting limits on class sizes or requirements on "adequate faculty supervision."

Rep. Faber said they are not included but added the sponsors are open to amendments on the measure.

Rep. Brenner said after the hearing Tuesday the timeline for the bill is not particularly clear.

"We'll probably have another hearing on it next week, but I can't say beyond that how quickly we can get the bill out," he said.

Rep. Brenner said the possibility that the measure could be included as an amendment to a piece of legislation passed by the Senate also has not been determined.

"We're going to have to have a discussion on that," he said. "I have not even contemplated that yet."

Earlier in the day, Speaker Ryan Smith (R-Bidwell) told reporters that the House would probably act on the proposal before breaking for the summer.

"What this would do is allow us some time, a little bit of runway to be thoughtful about what we need to change on the funding side," he said. "We just need better results out of the virtual schools."

#### Groups Tout Transparency Provisions In COG Bill

A measure designed to improve transparency and accountability with councils of government is necessary because a specific situation, members of a House panel were told Tuesday.

Shawn Busken, director of policy and legislative affairs in the state auditor's office, said in proponent testimony that the Ohio Public Entity Consortium Healthcare Cooperative has operated as a COG since 2013.

However, the auditor's office in 2017 discovered it was running a deficit of at least \$12 million.

"Had our office known sooner about this COG, we could have audited the books and provided some advice on a course correction to help them get back into solvency," he told members of the House State & Local Government Committee during testimony on the proposal (SB 239).

Because of the financial situation of the COG, many members have attempted to leave but have been prevented from leaving, sometimes through legal action.

Under the measure, a COG would not be able to take any legal action until it informs the state auditor's office of its existence.

The legislation would also clarify that membership records of a COG are public.

Mr. Busken said the bill "takes a step forward in transparency by preventing a COG from asserting any potential trade secret exception in the area of public records, documents, and membership of the COG.

"The legislation will also make members of a COG, who are not public officials, subject to Ohio's ethics laws," he added.

Another provision clarifies who can claim sovereign immunity due to their relationship with a COG.

"Members and employees of the COG may still claim this protection unless they take an action that would constitute a violation of the ethics laws," Mr. Busken said. "If an otherwise private employee sits on a COG board they cannot use that fact as a shield to liability when there have been violations of the ethics laws."

The legislation also garnered the support of the Ohio Municipal League and the Ohio News Media Association.

Dennis Hetzel, president and executive director of the ONMA, in written proponent testimony praised the portions of the bill that provide transparency.

"Having this information available to the public is important in determining whether or not potential conflicts of interest exist," he wrote. "More importantly, COGs clearly are public entities with public responsibilities, so the notion that something as basic as membership on the council could be treated as a trade secret ought to be unacceptable."

OML Executive Director Kent Scarrett said the legislation will prevent COGs from being used for personal gain.

"The accountability provisions within Sub. SB 239 are necessary to ensure regional councils of government remain useful tools for the public interest, rather than personal gain," he wrote.

#### Dental Groups Back Bill To Allow Property Tax Increases For Low-Income Program

A Democratic-sponsored bill that would allow municipalities to levy an unvoted property tax to fund a Hope for Smile program could boost educational performance, members of a House panel were told Tuesday.

The legislation ([HB 675](#)) offered by Rep. John Barnes (D-Cleveland) will also help with dental professional shortages, Kimberly Moore, president of the Ohio Dental Hygienists' Association, told members of the House State & Local Government Committee in written proponent testimony.

Ms. Moore said there are 92 areas in Ohio that are experiencing dental professional shortages.

"In those areas residents must travel significant distances to receive care," she said.

Another problem in Ohio is the lack of dental Medicaid providers, according to Ms. Moore.

"Ohio has a robust Medicaid dental program for children and adults with managed care companies offering dental services without a corresponding number of Medicaid dental providers," she said. "Utilizing mobile dental units staffed by dentists and dental hygienists and students from the respective training schools listed in the bill will provide the workforce to staff these buses. Research has shown that when a family has dental care if the parent receives treatment they are more likely to take their child to regular dental appointments."

In terms of boosting educational performance, Ms. Moore said children with poor dental health can sometimes experience pain, which leads them to try and avoid eating. A lack of focus in the classroom follows, she said.

"It could lead to acting out and overall poor performance," she said. "The spiral downward then continues. There are studies that show a significant portion of people in the criminal justice system lack poor oral health care. Perhaps if a program was in existence for them things may be different for them today?"

Ms. Moore did, however, call on the committee to amend the bill to allow for the families of school children to take advantage of the service and to allow one municipality to serve another.

"An example is Columbus passes a property tax levy, but in off hours or on weekends it sends the bus to Whitehall or Groveport to serve residents there through a contract arrangement," she said.

The proposal also received support from the Ohio Dental Association and the Warrensville Heights City School District.

ODA Executive Director David Owsiany said in written proponent testimony that the measure will "continue momentum Ohio is experiencing in improving access to dental care."

Superintendent Donald Jolly in written proponent testimony said the measure "fulfills a basic need for many Ohio scholars."

"Early and regular checkups will prevent medically uninsured scholars from all around Ohio from getting cavities and even tooth decay - painful issues that can cause a distraction from learning in the classroom," he wrote.

### Border Separation Policy Leads To Bipartisan Blowback

President Donald Trump's policy of separating children from their parents at the border led to legislation introduced and an instance of Republican officeholders splitting with him on Tuesday.

On the legislative front, Democrats introduced a measure (SCR 26) calling on Congress to pass legislation to prohibit the practice of separating families at the border.

Sponsoring Sen. Cecil Thomas (D-Cincinnati) in a statement called the policy "merciless, heartless, callous and contrary to all standards of decency."

Sen. Kenny Yuko (D-Richmond Hts.), a joint sponsor, called the separations "wrong and immoral" in a statement.

"For the families who fled danger in their home countries in search of safety in America, this is a cruel policy," he said. "We cannot stand by while thousands of children experience the trauma of being torn away from their families."

House Democrats are expected to introduce their own resolution.

U.S. Sen. Rob Portman also came out against the border separation policy. In a lengthy statement, the Terrace Park Republican called the policy "counter to our values."

"This policy is taking children from the love and care that parents provide and putting them at risk of trafficking, abuse, and getting lost in the immigration system," he said.

He also called on the administration to end the policy immediately.

"If those changes aren't made, Congress should act quickly on a legislative solution to fix this problem," he said. "I'm working with my colleagues to develop a compassionate solution that upholds our immigration laws and keeps families together while their cases are being processed."

U.S. Sen. Sherrod Brown (D-Cleveland) and 39 of his Democratic colleagues in the upper chambers signed a letter sent to the president calling on him to immediately stop the separations.

"There is no legitimate reason why these children need to be separated from their parents," they wrote. "Community-based alternatives to detention programs, like intensive case management and referrals to social services and legal resources, have been shown to increase the likelihood that immigrants appear at court proceedings. These methods are significantly more cost-effective and allow families to stay together while their cases are being processed."

Sen. Troy Balderson (R-Zanesville) also weighed in, calling the administration's policy "unacceptable and contrary to our country's values."

"Since President Bill Clinton's administration, the federal government has failed to act," the congressional candidate added. "Congress needs to pass legislation now to expedite these cases and to overturn the court ruling that prevents children from staying in the custody of the Department of Homeland Security for more than 20 days. Parents and children should remain together. Period."

Another congressional candidate, Democrat Theresa Gasper, deemed the situation a crisis.

"The crisis at our southern border is a humanitarian issue, in need of compassionate solutions, especially because children have been subject to trauma and are vulnerable to abuse," she said.

The White House at times has defended the policy. In other instances, it has blamed congressional Democrats. During Monday's press briefing, Department of Homeland Security Secretary Kirstjen Nielsen said until three loopholes in the law are closed, it is not possible to detain and remove whole family units that arrive in the U.S. illegally.

"Congress and the courts created this problem, and Congress alone can fix it," she said. "Until then, we will enforce every law we have on the books to defend the sovereignty and security of the United States."

The White House on Tuesday also released a fact sheet on loopholes it said must be closed, claiming that they have led to a surge in unaccompanied minor arrivals at the border and people seeking to exploit the asylum system.

"It is time to reform these outdated immigration rules, and finally bring our immigration system into the 21st century," the president said in the release.

Supplemental Agency Calendar

### **Wednesday, June 20**

**Casino Control Commission, 30 E. Broad St., Lobby Hearing Rm., Columbus, 10 a.m.**

### **Thursday, June 21**

State Teachers Retirement System, 275 E. Broad St., Columbus, 9 a.m.

Supplemental Event Planner

### **Wednesday, June 20**

Attorney General Mike DeWine news conference on school safety, 30 East Broad Street, 17th Floor, Columbus, 10 a.m.

### **Thursday, July 19**

Sen. Stephanie Kunze (R-Hilliard) manicure fundraiser, W Nail Bar, 946 N. High Street, Columbus, 4 p.m., (PAC: \$500 | Individual: \$250 | Young Professional: \$50 to Citizens for Stephanie Kunze. RSVP is required to ensure appointment.)

### **Thursday, August 2**

Rep. Anne Gonzales (R-Westerville) Lake Erie fundraiser, Dock's Beach House, 252 W. Lakeshore Drive, Port Clinton, 4 p.m., (Sponsor: \$2,500 | Host: \$1,000 | Guest: \$500 to Citizens for Anne Gonzales)


### **Thursday, September 27**

Sen. President Larry Obhof (R-Medina) shotgun fundraiser

17 S. High St., Suite 630  
Columbus Ohio 43215

**Phone:** 614-221-1992 | **Fax:** 614-221-7844 | **Email:** [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

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## Senate Activity for Tuesday, June 19, 2018

### INTRODUCED

**SCR FAMILY SEPARATION** (Thomas, C., Yuko, K.) To urge the Congress of the United States to enact **26** legislation to prohibit the practice of separating families at our nation's border.

Gongwer Coverage

### RE-REFERRED

**SB LEGISLATIVE INTENT** (Obhof, L.) To eliminate the rule of construction regarding a court's **307** considerations in determining the intention of the legislature when a statute is ambiguous.

Judiciary

### REFERRED

### Agriculture:

**HB VETERINARY EDUCATION** (Kelly, B., Brinkman, T.) To allow a licensed veterinarian to receive up to **433** two continuing education credits per biennium for performing free spaying and neutering services.

### Health, Human Services & Medicaid:

**HB DRUG OVERDOSES** (Gavarone, T.) To require certain reports regarding overdoses and naloxone, to **535** include naltrexone within the Ohio Automated Rx Reporting System, and to name this act the "Opioid Data and Communication Expansion Act."

**SB NON-OPIOID THERAPY** (Tavares, C.) To establish procedures for using non-opioid directives, to require **310** prescribers to inform patients about non-opioid therapies, and to require health insurers to cover non-opioid therapies for treating pain.

### Judiciary:

**HB 411 WRONGFUL IMPRISONMENT** (Seitz, B., Sykes, E.) To modify the state's wrongful imprisonment law.



## **Transportation, Commerce & Workforce:**

**SB 308** ■ **ELEVATOR LAW** (Uecker, J., Yuko, K.) To revise the Elevator Law.

## **Ways & Means:**

**SB TAX CREDITS** (Peterson, B., Kunze, S.) To lengthen the maximum term of the job creation tax credit for **309** businesses making substantial fixed asset and employment investments and for their suppliers, to authorize ■ commercial activity tax exclusions for receipts of those suppliers from sales to such businesses, and to authorize local governments to grant longer term property tax exemptions for such businesses or suppliers.

## RECOMMITTED IN SENATE

**HB** **ROAD NAMING** (Kelly, B., Dever, J.) To designate a portion of I-71 in Hamilton County as the **347** ■ "Sonny L. Kim Memorial Highway."

## Transportation, Commerce & Workforce

## COMMITTEE HEARINGS

### Finance

**HBLENDING LAWS** (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum **123** duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the ■ authority of credit services organizations to broker extensions of credit for buyers. (**CONTINUED** (See **separate story**); 1st Hearing-Sponsor-Pending referral)

**HBBROADBAND EXPANSION** (Carfagna, R.) To establish the residential broadband expansion program **281** within the Development Services Agency to award matching grants for last mile broadband expansion in ■ municipal corporations and townships and to make an appropriation. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsor Rep. Rick Carfagna (R-Westerville) said the proposal would specifically target residential customers unserved by broadband providers.

"HB281 would create a permissive funding mechanism that incentivizes communities to help offset construction overage costs," he said. "If different layers of government could pool assorted funds that are already available, then funding these types of projects would become far less intimidating."

Local governments could work with providers to identify shortfalls in the justifiable cost of broadband infrastructure construction and could then trigger matching funds from the state.

"HB281 both incentivizes true public/private partnerships and rewards cooperation across the layers of government," he said. "The time has come to encourage communities to collaborate with private broadband providers to tackle this pervasive problem."

Sen. Bill Coley (R-Liberty Twp.) said local entities can create community authorities to build out infrastructure and then pay off the bonded funding without getting the state involved.

The sponsor said this legislation would ensure the proposals are better vetted and will also help make it easier for people to receive broadband at their homes.

Having Internet service at home is also essential for a lot of new technology, such as remote sensors that help people with disabilities live more independently, he said.

**HB** **PYRAMID SCHEMES** (Pelanda, D.) To modify the law governing pyramid promotional schemes.

**329 (REPORTED (No testimony); 5th Hearing-All testimony-Possible vote)**

**SB WORKFORCE PROGRAMS (Schiavoni, J.)** To create the Public-Private Partnership Grant Program for **140** fiscal years 2018 and 2019 to develop, enhance, and promote educational programs to address regional workforce needs; to create the Sector Partnership Grant Program for fiscal years 2018 and 2019 to identify and provide grants to industry partnerships; to support programs that improve access to workforce training opportunities for students; to support economic development and revitalization programs; and to make an appropriation. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Joe Schiavoni (D-Boardman) said the measure is intended to help train skilled workers and ensure businesses have the workforce they need.

The measure would provide an extra \$12.5 million per year to the career and tech education fund to provide grants for public schools to help students with shop fees, credential testing fees, technology support and workforce education programs.

It would also spend \$50 million over the biennium on programs that help with business expansion, \$10 million each year in the Minority Business Direct Loan Program, \$5 million each year toward brownfield redevelopment, and \$10 million each fiscal year to the Sector Partnership Grant Program.

"This program will increase worker skills, wages, and advancement opportunities while assisting companies in funding common training and development of critical skills," he said.

**SB LOCAL GOVERNMENT FUNDING (Tavares, C.)** To increase monthly allocations to the Local **17** Government Fund from 1.66% to 3.68% of the total tax revenue credited to the General Revenue Fund each month. (CONTINUED (No testimony); 1st Hearing-Sponsor)

**SB ECONOMIC PROGRAMS (Schiavoni, J.)** To enhance economic and employment opportunities and **213** improve local infrastructure in Ohio by providing additional assistance to workforce development and employment programs; establishing a revolving loan program for small businesses seeking to expand operations; extending job tax credits to smaller businesses; enabling expanded participation in public sector contracting by smaller companies; enhancing support for child care centers; funding additional local infrastructure and public transit; authorizing tax incentives for hiring military veterans, for donating money to local programs assisting distressed communities, or for improving distressed property; exempting the homes of disabled veterans from property taxation; terminating the income tax deduction and reduced tax rate for business income; and to make an appropriation. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Schiavoni said it is designed to promote job growth and economic development by making targeted investments in small businesses.

One change would allow small businesses to apply for the job retention tax credit.

"By changing this requirement, family-run businesses will be able to receive tax credits that have so far been going to big corporations," he said. "This bill will also make the grant to foster job creation available to businesses that have less than 500 employees."


Other programs included in the measure would support veterans through tax credits, help small businesses by establishing a microloan revolving loan fund with \$10 million per year.

The measure's other provisions include ways to approach workforce shortages by providing grants and awards to nonprofits to help carry out urban jobs programs.

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**Sarah LaTourette Kayser** <latoursm@gmail.com>

## ALEC Events and Education, 6/19/2018

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## Online Sales Tax

**Learn More About Internet Sales Tax Ahead of Upcoming *Wayfair* Decision**

Center for State Fiscal Reform

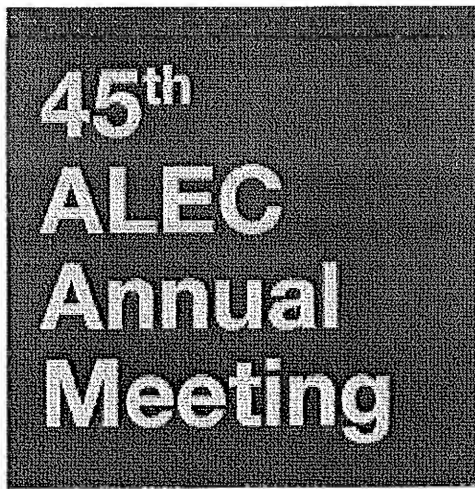
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A Supreme Court decision is expected soon in the *South Dakota v. Wayfair* case before the U.S. Supreme Court, which is concerned with the collection of Sales Tax from online retailers. ALEC has produced a number of resources to educate lawmakers and policy leaders on the nuance of this issue, including a **State Factor Report**, an **Amicus Brief**, and new op-eds in **The Daily Signal** and **The Hill**. Check out these materials to learn about the topic ahead of this important decision.

ALEC 45th Annual Meeting

**Register for the 45th ALEC Annual Meeting Today**  
American Legislative Exchange Council

Registration is now open for the **45th ALEC Annual Meeting**. The meeting will take place **August 8-10 in New Orleans**,



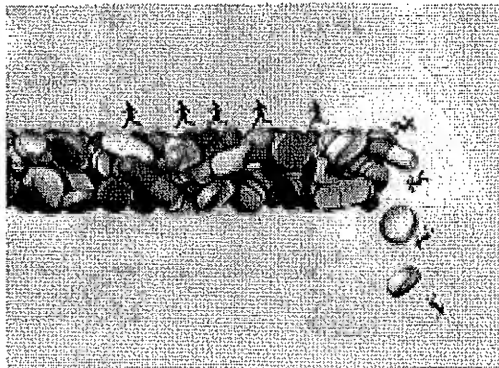
**Louisiana.** ALEC looks forward to seeing you in New Orleans. To register or learn more about the meeting, follow the link below.

[Register Here](#)

## Legislator Voices

### On Opioids, Congress Can Learn from the States

Rep. John Nygren | WI-89 | *Washington Examiner*



"While no one denies the criminal component of illegal opioid use, legislators must address the opioid epidemic in the same way as we treat other public health issues — by treating the disease. For three years, I've read about increased awareness of the looming national epidemic, but state legislators have been debating and developing solutions — state-by-state — for almost a decade."

[Read Article](#)

## Worker Freedom

### Janus v. AFSCME: "Let Me Out"

Michael Slabinski and Ben Moulton | Commerce, Insurance, and Economic Development



An upcoming U.S. Supreme Court decision, *Janus v. AFSCME*, will once again put the issue of union fees, as a condition of employment, back on the table. If Mark Janus wins his case against the American Federation of State, County and Municipal Employees, millions of government workers across the country will no longer be forced to pay union dues that violate their First Amendment right.

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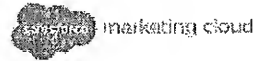


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Gmail - This Week at ALEC, 6/21/18



Sarah LaTourette Kayser <latoursm@gmail.com>

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### Online Sales Tax

**ALEC Statement on *South Dakota v. Wayfair* Decision**  
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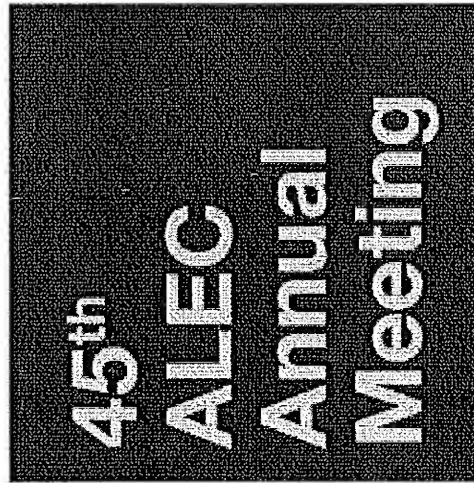
The Supreme Court today released their decision in *South Dakota v. Wayfair*, concerning the collection of sales tax for online retailers. ALEC has released a statement on the decision in the case, for which the organization has previously submitted an [Amicus Brief](#).




[View Statement](#)

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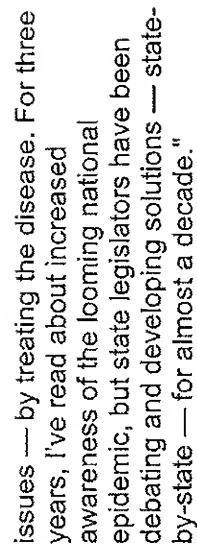
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"While no one denies the criminal component of illegal opioid use, legislators must address the opioid epidemic in the same way as we treat other public health



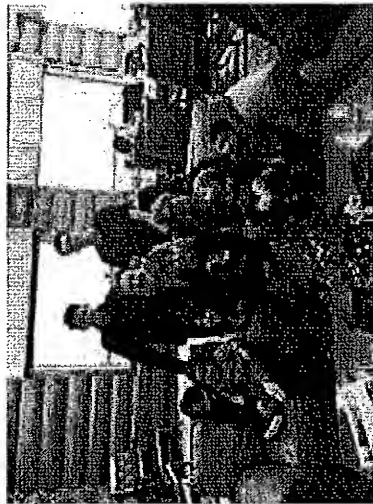


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## ALEC-FreedomWorks Legislator of the Week

## Good Leadership in Kansas

Sen. Susan Wagle | KS-30



This week, ALEC and Freedomworks introduce **Kansas Senator Susan Wagle** as this week's Legislator of the Week. Senator Wagle has served since 2013 as the 47th Senate President of Kansas. Prior to her time in the Senate, she was also the Speaker *pro tem* in the Kansas House of Representatives. Senator Wagle is a proponent of government transparency in contracting, stating "Transparency in these matters protects the contracts from political cronyism."

Red Arrow

## Worker Freedom

**Janus v. AFSCME: “Let Me Out”**

Michael Slabinski and Ben Moulton | Commerce, Insurance, and Economic Development

An upcoming important U.S. Supreme Court decision, *Janus v. AFSCME*, will once again put the issue of union fees as a



condition of employment back on the table. If Mark Janus wins his case against the American Federation of State, County and Municipal Employees, millions of government workers across the country will no longer be forced to pay union dues that violate their First Amendment right.

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Gmail - Ohio Media Clips, Monday, June 25



Sarah LaTourette Kayser <latoursm@gmail.com>

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### News Bill Tracking Legislation

## NEWS

Ohio governor candidate uses ice cream event to unite GOP (Associated Press, 6/25/2018)

Online Western Governors University launches Ohio affiliate (Associated Press, 6/25/2018)

Black, female lawmaker: Officers ignore problem (Cincinnati Enquirer, 6/25/2018)

Mary Taylor: Yes, I'll vote for Mike DeWine (Cincinnati Enquirer, 6/25/2018)

2019 insurance on the Obamacare exchange in Ohio will increase (Cleveland Plain Dealer, 6/25/2018)

Anthony Gonzalez: 'If everybody was really excited about Congress, I probably wouldn't be running right now' - Ohio Matters podcast Episode 23 (Cleveland Plain Dealer, 6/25/2018)

Supersized Ohio bill would honor John Glenn, create 'Superman Day' and much more (Cleveland Plain Dealer, 6/25/2018)

A year later, no money has been spent from state fund to help parents keep kids (Columbus Dispatch, 6/25/2018)

Capitol Insider: Reporters' silence sends Ohio GOP chairman a message (Columbus Dispatch, 6/25/2018)

CVS cut payments to community pharmacies after Aetna merger (Columbus Dispatch, 6/25/2018)

DeWine sides with gun groups in lawsuit against Columbus (Columbus Dispatch, 6/25/2018)

Leneghan accuses elections officials of fraud in GOP primary loss to Balderson (Columbus Dispatch, 6/25/2018)

Ohio smoking rate won't budge from 22.5 percent (Columbus Dispatch, 6/25/2018)

Perales GOP opponent indicted for extortion and coercion (Dayton Daily News, 6/25/2018)

Ohio looking to be leader in autonomous testing (Lima News, 6/25/2018)

Bill designed to increase standards for dog breeders heads to governor's desk (Toledo Blade, 6/25/2018)

Bill to support trafficking victims clears Ohio House (Toledo Blade, 6/25/2018)

Small area farms feel effect of labor shortage (Toledo Blade, 6/25/2018)

## EDITORIALS

Beacon Journal/Ohio.com editorial board: An appropriate case for the governor to grant clemency (Akron Beacon Journal, 6/25/2018)

During next week's Recess Week, all kinds of Ohio legislative perils await: Thomas Suddes (Cleveland Plain Dealer, 6/25/2018)

No more gun nonsense from Ohio lawmakers. From now on, our endorsements will hold them accountable: editorial (Cleveland Plain Dealer, 6/25/2018)

Editorial: Ohio lawmakers are about to pass the wrong gun law (Columbus Dispatch, 6/25/2018)

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**Center to Protect Free Speech Monthly Updates**

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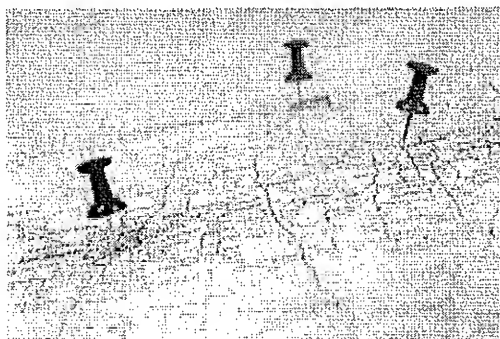
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**Center Announcements****Have a Free Speech Issue Briefing in Your State**Contact Shelby Emmett for more information: [Semmett@alec.org](mailto:Semmett@alec.org)

We are currently scheduling issue briefings for the fall and planning ahead for 2019! These briefings cover the issues of campus speech, donor privacy and commercial speech. We have already held briefings in South Carolina, Michigan, Nebraska, West Virginia, Oklahoma, Kansas, Missouri and Pennsylvania and are continuing to hold briefings throughout the year.

If you are interested in having an issue briefing in your state on free speech, click below and Shelby Emmett will reach out to you soon.

[Schedule Yours Today](#)

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**Free Speech News****The American Civil Liberties Union's Leaked Memo Reveals the Civil Liberties Organization is Committed to Free Speech—When Convenient**Robby Soave | *reason*

"Our defense of speech may have a greater or lesser harmful impact on the equality and justice work to which we are also committed," wrote ACLU staffers in a [confidential memo](#) obtained by former board member Wendy Kaminer.

[Read Article](#)



## Campus Speech

### ALEC-Influenced Free Speech Legislation Becomes Law in Louisiana

Corbin Robinson | Center to Protect Free Speech

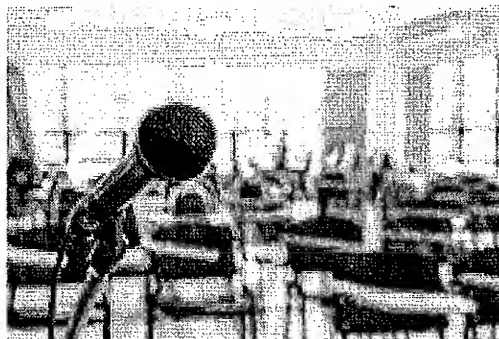


Louisiana recently took a step in the right direction to protect the First Amendment rights of individuals on public university and college campuses. Democrat Governor John Bel Edwards signed [SB364](#) into law, legislation that passed the Louisiana legislature with bipartisan support. Learn how the FORUM Act is not only good policy—but can pass with bipartisan support in your legislature.

[Read Article](#)

### Free Speech and Campus Inclusion: A Survey of College Presidents

Lorelle L. Espinosa, Jennifer R. Crandall, and Philip Wilkinson | *HigherEducationToday*



The American Council on Education (ACE) recently surveyed nearly 500 college and university presidents to get their take on the state of free speech and inclusion on campuses today, as a companion to the new Knight-Gallup survey on student attitudes toward the First Amendment. ([You can access that companion piece here.](#)) When asked "How important do you consider protecting citizens' free speech rights in our democracy?" Only 74% of college president's said "extremely important". This is concerning, especially for college presidents of public colleges and universities, as they are required under law to protect the First Amendment rights of their students. This is why holding administrators accountable—before simply punishing students—is paramount. Campus speech is a cultural problem, and the problem starts at the top.

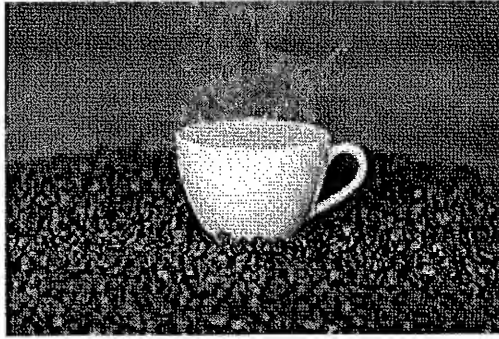
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## Commercial Speech

### Give Me Coffee or Give me Death! Now the Government Wants to "Protect" Consumers from Coffee

Nate Raymond | *Reuters*



We all know California is ground zero of illogical, big-government policies designed to limited individual liberty, expand the size and role of government, and now, apparently make it harder for people to wake up and go to work on Monday mornings. In 2010, a lawsuit was filed by the Council for Education and Research on Toxics against coffee retailers arguing they were violating a California law that requires companies to warn consumers of chemicals in their products that could cause cancer.

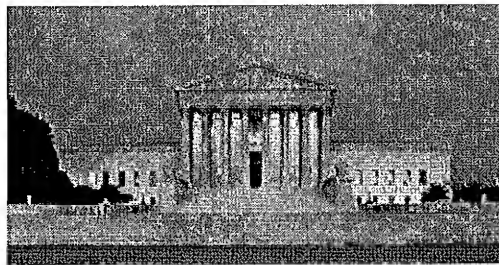
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Cato Institute



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Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

**Fw: HB 551**

1 message

Bobby Ina &lt;bobbyina@gmail.com&gt;

Reply-To: Bobby Ina &lt;bobbyina@gmail.com&gt;

To: Bobby Ina &lt;bobbyina@gmail.com&gt;

Mon, Jun 25, 2018 at 8:14 PM

Guys,

Just a quick update on HB 551 (the minor workers bill). We do not support the portion of this bill that speaks to the construction industry.

Today I spoke with Sarah LaTourette and Tom Patton in leadership so they know whats going on. I also spoke to committee members Steve Arndt and Scott Lipps as well as the sponsors of the bill Rick Perales and Mark Romanchuk.

After speaking with me they decided to not take a vote on the bill tomorrow and there will not be a floor vote on this bill before summer break. Summer break starts on Thursday.

I also spoke to Fred Strahorn and expressed my opinion that I would like 100% democratic no votes on this bill moving forward. His response to me was "I got your back." So that was nice.

Ultimately, Bret and I will continue to work very hard to stop this bill from passing in the Ohio House so we don't have to continually go to the Senate to kill bad bills.

The person who gave this bill to one of the bill sponsors was Bryan Williams from the ABC. Yes, the same Bryan Williams that is supporting Larry Householder for Speaker, yes the same Bryan Williams that tried to give Householder over \$60,000 but had to return it because it was an illegal contribution, and yes the same Bryan Williams that pushes anti-union bills like this and many others that will hurt our members.

Lastly, I spoke to Matt Szollosi to give him the update before his testimony tomorrow so he has all of the info.

I did not speak with Speaker Ryan about this bill today because I figured I wouldn't need his input just yet but I will keep that in my back pocket if I need too.

I will continue to keep you guys posted.

Thanks!

7/23/2018


Gmail - Fw: HB 551

**PS....Big thanks to Sarah LaTourette!!!! We spoke over a dozen times today and she was a HUGE help to me on this issue!!! She deserves the recognition!!! :)**

**Bobby Ina, Managing Director  
Metropolis Consulting, LLC  
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Fairlawn, OH 44333  
(216) 973-4088  
metropolisconsulting.com  
peopleinpolitics.us  
bobbyina@ymail.com**

Thanks!

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 **HB 551 Analysis.pdf**  
205K



# OHIO LEGISLATIVE SERVICE COMMISSION

## Bill Analysis

Kailey M. Henry

### **H.B. 551**

132nd General Assembly  
(As Introduced)

**Reps.** Perales and Romanchuk, Antani, Arndt, Butler, Green, Kick, Reineke, Retherford, Seitz, Vitale

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### **BILL SUMMARY**

- Prohibits the Director of Commerce from adopting any rule to prohibit a minor who is 16- or 17-years old who receives specified training from being employed in a construction or manufacturing occupation if the minor's employment in the occupation is permitted under federal law.
- Requires an employer to provide a 16- or 17-year old minor employed in a construction or manufacturing occupation with the training specified in the bill before the minor can engage in any workplace activity.
- Requires the Director to specify a list of tools that a 16- or 17-year old minor who has completed the training may operate during the minor's employment in a construction or manufacturing occupation.
- Prohibits an employer from either (1) permitting a 16- or 17-year old minor from operating a tool described above unless the minor has completed the bill's training, or (2) permitting a minor who has completed the training from operating a tool prohibited for use by minors of that age under federal and state law.
- Establishes a civil penalty for whoever violates the bill's prohibitions.

---

### **CONTENT AND OPERATION**

#### **Hazardous occupations prohibited for minors**

Continuing law requires the Director of Commerce, after consulting with the Director of Health, to adopt rules prohibiting the employment of minors in occupations that are hazardous or detrimental to the health and well-being of minors. The Director

of Commerce must consider the hazardous occupation orders issued pursuant to the federal Fair Labor Standards Act<sup>1</sup> (FLSA) when adopting the rules. The bill prohibits the Director from adopting any rule that would prohibit a minor who is 16- or 17-years old and receives the training described under "**Training for a construction or manufacturing occupation**," below from being employed in a construction occupation or manufacturing occupation if the hazardous occupation orders issued pursuant to the FLSA permit the employment of the minor in the construction or manufacturing occupation (see **COMMENT**).<sup>2</sup>

For purposes of the bill, a "construction occupation" is employment consisting of the construction, reconstruction, enlargement, alteration, repair, remodeling, renovation, demolition, or painting of a building or other structure, road, bridge, or other work, and includes preparing a site for new construction. A "manufacturing occupation" is employment consisting of the mechanical, physical, or chemical transformation of materials, substances, or components into new products for sale, and includes assembling component parts into a finished product.<sup>3</sup>

### **Training for a construction or manufacturing occupation**

The bill requires an employer (a person who employs any individual in a construction occupation or manufacturing occupation) to provide a 16- or 17-year old minor employed in a construction or manufacturing occupation with training before the minor can engage in any workplace activity. The employer must include all of the following in the training:

- A ten-hour course in construction or general industry safety and health hazard recognition and prevention approved by the U.S. Department of Labor's Occupation Safety and Health Administration (OSHA) (the minor may participate in an OSHA-approved 30-hour course if the minor has already successfully completed a ten-hour course);
- Instructions on how to operate the specific tools the minor will use during the minor's employment;
- The general safety and health hazards that the minor may be exposed to at the minor's workplace;

---

<sup>1</sup> 29 United States Code (U.S.C.) 201 *et seq.*

<sup>2</sup> R.C. 4109.05.

<sup>3</sup> R.C. 4109.22(A).



- The value of safety and management commitment;
- Information on the employer's drug testing policy.

A 16- or 17-year old minor who completes the training is allowed to work in any construction or manufacturing occupation that is not prohibited for minors of that age by Ohio's Minor Labor Law<sup>4</sup> or rules adopted under the Law. The bill requires the employer to pay any costs associated with providing a minor with the training.<sup>5</sup>

### **List of approved tools**

The bill requires the Director of Commerce, in consultation with employers, to adopt rules in accordance with the Administrative Procedures Act specifying a list of the tools that a 16- or 17-year old minor who has completed the bill's training may operate during the minor's employment in a construction or manufacturing occupation. The Director must use the "Field Operations Handbook" issued by the U.S. Department of Labor's Wage and Hour Division for guidance in developing the list. Nothing in the bill requires the Director to include a tool on the list if the FLSA hazardous occupation orders and Ohio's Minor Labor Law or rules adopted under it specifically permit 16- or 17- year olds to operate the tool.<sup>6</sup>

### **Prohibitions**

The bill prohibits an employer from doing either of the following:

(1) Permitting a 16- or 17-year old minor to operate a tool a minor of that age is permitted to operate under the rules described in "**List of approved tools**" above unless the minor completes the bill's required training;

(2) Permitting a 16- or 17-year old minor who has completed the bill's required training to operate a tool that a minor of that age is prohibited from using by the FLSA and Ohio's Minor Labor Law or rules adopted under it.<sup>7</sup>

### **Penalty for violation**

Under continuing law, the Director is required to designate enforcement officials to enforce Ohio's Minor Labor Law. An enforcement official who discovers a violation

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<sup>4</sup> R.C. Chapter 4109.

<sup>5</sup> R.C. 4109.22(A), (B), and (D).

<sup>6</sup> R.C. 4109.22(C).

<sup>7</sup> R.C. 4109.22(E).

of the Law is required to file a complaint against an offending employer in any court of competent jurisdiction after providing notice to the employer of the violation. An employer found to have violated the Law by the court may be assessed a penalty, which is paid into the fund of the school district in which the violation was committed.<sup>8</sup>

Under the bill, an employer who violates the bill's prohibitions is assessed a civil penalty of up to \$1,730 for each violation.<sup>9</sup>

---

## COMMENT

An employer or employee may be subject to the FLSA or Ohio's Minor Labor Law, or both laws, depending on the employer type and size and whether the employer or employee engages in interstate commerce. In the situation where an employer or an employee is subject to both federal and Ohio law and the laws differ, the law that provides the most protection for the minor applies.<sup>10</sup>

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## HISTORY

### ACTION

Introduced

### DATE

03-13-18

H0551-I-132.docx/ts

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<sup>8</sup> R.C. 4109.13, not in the bill.

<sup>9</sup> R.C. 4109.99.

<sup>10</sup> 29 U.S.C. 218 and 29 Code of Federal Regulations 570.50.







Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

**Center to Protect Free Speech Monthly Updates**

1 message

**American Legislative Exchange Council** <tmclaughlin@alec.org>  
To: latoursm@gmail.com

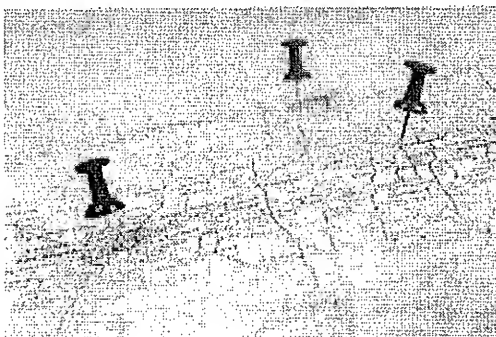
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**Center Announcements****Have a Free Speech Issue Briefing in Your State**Contact Shelby Emmett for more information: [Semmett@alec.org](mailto:Semmett@alec.org)

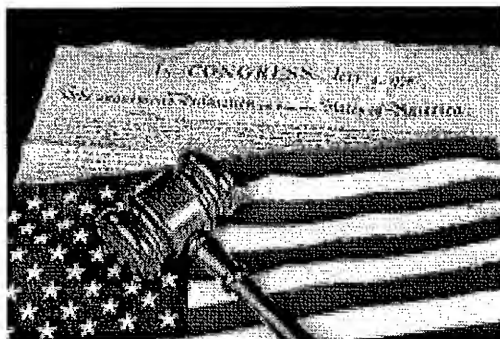
We are currently scheduling issue briefings for the fall and planning ahead for 2019! These briefings cover the issues of campus speech, donor privacy and commercial speech. We have already held briefings in South Carolina, Michigan, Nebraska, West Virginia, Oklahoma, Kansas, Missouri and Pennsylvania and are continuing to hold briefings throughout the year.

If you are interested in having an issue briefing in your state on free speech, click below and Shelby Emmett will reach out to you soon.

[Schedule Yours Today](#)**Free Speech News****The American Civil Liberties Union's Leaked Memo Reveals the Civil Liberties Organization Is Committed to Free Speech—When Convenient**Robby Soave | *reason*

"Our defense of speech may have a greater or lesser harmful impact on the equality and justice work to which we are also committed," wrote ACLU staffers in a [confidential memo](#) obtained by former board member Wendy Kaminer.

[Read Article](#)



## Campus Speech

### ALEC-Influenced Free Speech Legislation Becomes Law in Louisiana

Corbin Robinson | Center to Protect Free Speech

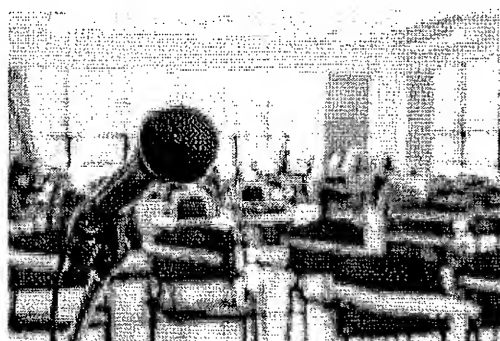


Louisiana recently took a step in the right direction to protect the First Amendment rights of individuals on public university and college campuses. Democrat Governor John Bel Edwards signed [SB364](#) into law, legislation that passed the Louisiana legislature with bipartisan support. Learn how the FORUM Act is not only good policy—but can pass with bipartisan support in your legislature.

[Read Article](#)

### Free Speech and Campus Inclusion: A Survey of College Presidents

Lorelle L. Espinosa, Jennifer R. Crandall, and Philip Wilkinson | *HigherEducationToday*



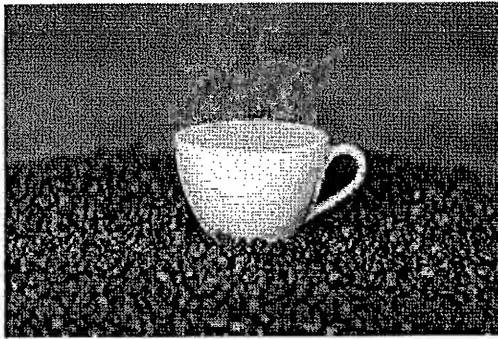
The American Council on Education (ACE) recently surveyed nearly 500 college and university presidents to get their take on the state of free speech and inclusion on campuses today, as a companion to the new Knight-Gallup survey on student attitudes toward the First Amendment. ([You can access that companion piece here.](#)) When asked “How important do you consider protecting citizens’ free speech rights in our democracy?” Only 74% of college president’s said “extremely important”. This is concerning, especially for college presidents of public colleges and universities, as they are required under law to protect the First Amendment rights of their students. This is why holding administrators accountable—before simply punishing students—is paramount. Campus speech is a cultural problem, and the problem starts at the top.

[Read Article](#)

## Commercial Speech

### Give Me Coffee or Give me Death! Now the Government Wants to "Protect" Consumers from Coffee

Nate Raymond | *Reuters*



We all know California is ground zero of illogical, big-government policies designed to limited individual liberty, expand the size and role of government, and now, apparently make it harder for people to wake up and go to work on Monday mornings. In 2010, a lawsuit was filed by the Council for Education and Research on Toxics against coffee retailers arguing they were violating a California law that requires companies to warn consumers of chemicals in their products that could cause cancer.

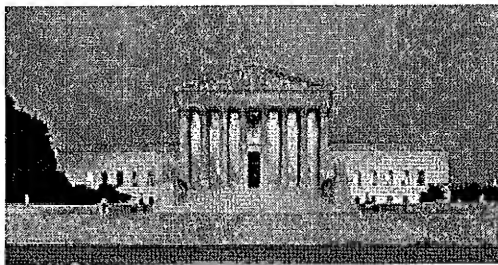
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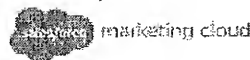
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Sarah LaTourette Kayser <latoursm@gmail.com>

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['Pastor Protection' Bill Heads To Floor Over LGBT Discrimination Concerns](#)

[Democratic Proposal To Exempt Feminine Hygiene Products From Sales Tax Advances In House](#)

**Panel Moves Bill Allowing Off-Duty Peace Officers To Carry Firearms In Restricted Areas**

**Attorneys Question Cybersecurity Safe Harbor Bill**

**Dispute Over Municipal Water Services Bill Continues**

**More Changes Made To Senate Submetering Bill As Consumers' Counsel Drops Opposition**

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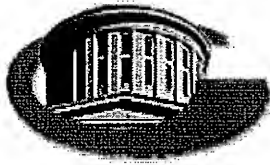
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## Senate Activity for Tuesday, June 26, 2018

### INTRODUCED

**SB DAY DESIGNATION** (Hoagland, E., Williams, S.) To designate June 12 as "Women Veterans' Day." Am. 311 ■ 5.49

**SB ROAD NAMING** (Burke, D.) To designate a portion of State Route 4 in Marion County as the "Army 312 ■ Cpt. Stephen J. Chaney Memorial Highway." Am. 5534.815

### COMMITTEE HEARINGS

#### Public Utilities

**SB UTILITY RESELLING** (Bacon, K.) To regulate the reselling of public utility service. (CONTINUED-157 ■ SUBSTITUTE (See separate story); 5th Hearing-All testimony-Possible amendments)

#### Local Government, Public Safety & Veterans Affairs

**HBCOURT JURISDICTIONS** (Craig, H., Seitz, B.) To specify the jurisdiction of municipal and county courts 125 over municipal traffic ordinances and to establish requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a mayor's court. (REPORTED-AMENDED (No testimony); 4th Hearing-All testimony-Possible vote)

An amendment offered by Sen. Steve Wilson (R-Maineville) was accepted without objection. It seeks to clarify that the bill covers only civil traffic infractions and not criminal charges, he said.

**SCRFEDERALISM** (Obhof, L., Peterson, B.) To reassert the principles of federalism found throughout the 23 Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed. (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

#### Health, Human Services & Medicaid

**HB PHYSICAL THERAPY** (Gavarone, T., Reineke, B.) To modify the laws governing the practice of 131 physical therapy. (CONTINUED (No testimony); 3rd Hearing-All testimony)

**HBOUTDOOR DINING AREAS** (Lanese, L.) To generally allow an owner, keeper, or harborer of a dog to 263 take the dog in an outdoor dining area of a retail food establishment or food service operation. (REPORTED-AMENDED; 4th Hearing-All testimony-Possible amendments & vote)

The committee voted unanimously to report the measure after accepting an amendment Chairman Sen. Dave Burke (R-Marysville) said replaced the former language with the language of a similar measure (SB 182) sponsored by Sen. Bill Coley (R-Liberty Twp.).

**HBPALLIATIVE CARE** (LaTourette, S.) To create the Palliative Care and Quality of Life Interdisciplinary 286 Council, to establish the Palliative Care Consumer and Professional Information and Education Program, and

to require health care facilities to identify patients and residents who could benefit from palliative care.  
(CONTINUED; 4th Hearing-All testimony-Possible vote)

The proposal was marked for a vote, but Sen. Burke said the committee would wait until its next hearing in order to work out some final changes.

Nisha Hammel, director of advocacy for LeadingAge Ohio, said the proposal is a "balanced first step" toward building awareness and increasing access to palliative care in Ohio.

"Currently, 'palliative care' is regulated only inasmuch as it fits into another federal or state program benefit," she said. "For example, many hospices offer palliative care, but bill for it under Medicare Part B physician services. Many nursing facilities and home health agencies offer 'palliative care' as part of their benefits, and in Ohio, we even have physician practices which are entering this market. Despite attempts within the industry to create standards and a definition for a palliative approach to care, state governments have only recently seen this as an area requiring attention."

The measure offers clear expectations and flexibility in how the Palliative Care and Quality of Life Interdisciplinary Council would function, she said.

LeadingAge Ohio also supports language allowing freestanding inpatient units, known as "hospice houses," to use those resources to serve palliative care patients, she said.

"This legislation removes an unnecessary barrier to accessing this level of care and allows hospices to deploy their resources to best meet the needs of their community," she said.

Jeff Stephens, government relations director for the American Cancer Society Cancer Action Network, said the proposal doesn't create any kind of mandate that providers would have to offer palliative care services.

"This bill doesn't compel any providers or systems, especially Medicaid, to extend coverage for palliative care services," he said. "This is not a mandate, this is not a call for more coverage."

**HBDRUG OVERDOSES (Gavarone, T.)** To require certain reports regarding overdoses and naloxone, to **535**include naltrexone within the Ohio Automated Rx Reporting System, and to name this act the "Opioid Data and Communication Expansion Act." (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Theresa Gavarone (R-Bowling Green) said the measure would give the state and local officials more data to help in the fight against the opiate crisis.

The Department of Public Safety would be required to submit non-identified information on the use of naloxone to the Department of Health, which would be broken down by county and reported to each county on a monthly basis, she said.

"This information is needed for ADAMHS Boards to plan for expansion of priority services and the allocation of necessary resources in the appropriate amount," she said. "We have put tens of millions of dollars towards tackling this problem and we owe it to the taxpayers to ensure this money is being spent as wisely and effectively as possible."

It would also require hospitals to submit data on the number of drug overdoses per month to ODH, which would then publish the information. Another provision would require naltrexone be monitored by the Ohio Automated Rx Reporting System.

"Having this medication monitored in OARRS will ensure prescribers and pharmacists have even more information at their disposal when deciding whether to prescribe or fill an opioid prescription for a particular patient," the sponsor said.

**SB PHYSICIAN ASSISTANTS (Hackett, B.)** To revise the law regulating physician assistant practice.

**259** (REPORTED (No testimony); 4th Hearing-All testimony-Possible vote)

**SB HEALTH EQUITY POLICIES** (Tavares, C.) To create the Health and Equity in All Policies Initiative **302** and the Health and Equity Interagency Team. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Charleta B. Tavares (D-Columbus) said the proposal would task the Legislative Service Commission and the Joint Committee on Agency Rule Review to analyze bills and rules to determine if proposed legislation or rules would have a positive, adverse or neutral effect on the health of Ohioans and on health equity.

"By broadening the scope of this concept through the addition of 'equity' as a component, this policy will provide the State with a more critical look at the overall context in which Ohio's vulnerable populations are impacted by the social determinates of health such as education, housing, safe neighborhoods, healthy foods, transportation, employment, etc.," she said.

The proposal would help the state make strides in securing better health outcomes for Ohioans, she said.

**SB NON-OPIOID THERAPY** (Tavares, C.) To establish procedures for using non-opioid directives, to require **310** prescribers to inform patients about non-opioid therapies, and to require health insurers to cover non-opioid therapies for treating pain. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Tavares said it would require the Department of Health to develop a non-opioid directive form to specify that a patient is not to be prescribed opiates for pain treatment, and to make that form voluntary and allow the patient to revoke it at any time.

Prescribers would also be required to distribute information on evidence-based non-opioid therapies to the patient or patient's representative before prescribing opioids and require health insurers to provide coverage for non-opioid therapies, she said.

"Many Ohioans who suffer from opiate addiction first became addicted after they were prescribed opioid medications to treat symptoms of pain," the sponsor said. "Often times those with a history of substance abuse are prescribed opioids and are put in a situation where they must either take medication that is detrimental to their wellbeing or be forced to endure pain to avoid becoming addicted or relapsing. In our ongoing efforts to end the opioid epidemic, it is imperative that we are using every tool we have available to us."

Many prescribers give patients opioid pain relievers without asking the patient about their pain tolerance or history with pain relievers, she said.

**SCR MENTAL ILLNESS** (Tavares, C.) To raise awareness about the prevalence of mental illness in the **24** United States and Ohio. (CONTINUED; 1st Hearing-Sponsor)

Sen. Tavares said the resolution is intended to raise awareness of the prevalence of mental illness in Ohio and nationwide. It would express the General Assembly's support of initiatives and actions intended to increase accessibility for resources to help those with mental health issues.

"With Ohio ranking twelfth in the prevalence of mental illness in adults, it is imperative that we, as representatives of Ohio's populace, outwardly support and encourage efforts to increase both public awareness about mental illness and the availability of mental health treatment and services," she said.

**Governor's Appointments:** The committee recommended full Senate approval of the governor's appointments of Sandra Beidelschies, Lauralee Krabill and Patricia Sharpnack, Board of Nursing; John Lisy, Chemical Dependency Professionals Board; Philip Walton, Beth Cameron and John Urbanski, Ohio Advisory Council for the Aging; Hollie Hinton, Counselor, Social Worker, and Marriage and Family Therapist Board; Cheryl Archer, Jacqueline Goings Davis, Thomas Barracato, Darrell Dye, Kimberly Mermis, Brian Miller and Thomas Nye, State Vision Professionals Board.

## Ways & Means

**HB PROPERTY VALUES** (Merrin, D.) To require local governments that contest property values to formally **343** pass an authorizing resolution for each contest and to notify property owners. (CONTINUED (See separate story); 2nd Hearing-All testimony)

**SB TAX CREDITS** (Peterson, B., Kunze, S.) To lengthen the maximum term of the job creation tax credit for **309** businesses making substantial fixed asset and employment investments and for their suppliers, to authorize commercial activity tax exclusions for receipts of those suppliers from sales to such businesses, and to authorize local governments to grant longer term property tax exemptions for such businesses or suppliers. (CONTINUED; 1st Hearing-Sponsor)

Sen. Bob Peterson and Sen. Stephanie Kunze (R-Hilliard) said in sponsor testimony that their measure is modeled on the Job Creation Tax Credit with adjustments to accommodate incentives for the "largest of large job creators," hence them coining it as the "MegaJobs bill."

Projects that would qualify for the incentives under the bill are defined as those that require unique sites, extremely robust utility service, and a technically skilled workforce, such as Amazon's highly publicized plan for a second headquarters. The project must compensate its employees at an average hourly wage of at least 300% of the federal minimum wage, not including benefits, and the project's fixed-asset investments can equal at least one billion dollars or the project can create at least fifty million dollars in Ohio employee payroll, the sponsors explained. The term of the tax credit of the megaproject cannot exceed 30 years.

The bill would lengthen the maximum term of JCTCs for businesses "making substantial fixed asset and employment investments and for their critical suppliers, authorize commercial activity tax exclusions for such businesses and suppliers, and authorize local governments to grant longer term property tax exemptions for such businesses or suppliers." Qualifying companies "must demonstrate that the parts provided by the supplier are a critical component of their operation and are needed to make the company operate."

The measure requires an annual review to ensure that the requirements in signed agreements between the state and the project are still being met, and if not the deal can be canceled.

"The competition between states for companies to make a massive multi-million dollar capital investment in new facilities and create thousands of new jobs is fierce," the sponsors stated in testimony. "Senate Bill 309 will make Ohio more competitive for the MegaJobs that these companies bring."

## Finance

**HBLENDING LAWS** (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum **123** duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. (CONTINUED (See separate story); 4th Hearing-All testimony-Possible amendments & vote)

**HB OHIO CORPS** (Ryan, S., Reineke, B.) To establish the OhioCorps Pilot Project and to make an **508** appropriation. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Scott Ryan (R-Newark) said the proposal would help provide mentors and hope for young people in communities affected by the opiate crisis.

"I feel strongly it's about relationships. We've gotten ourselves into this crisis of addiction and mental health issues, and for many they need to see a pathway out," he said.

Sen. Vernon Sykes (D-Akron) asked how students will be selected to participate in the program.

The sponsor said universities will work with local nonprofits and partners to identify students.

"I see a partnership between the higher education institutions and the local communities to make the identifications," he said.

Sen. Charleta B. Tavares (D-Columbus) asked if the appropriation is enough for the next two years.

Rep. Ryan said he thought \$5 million would be enough to get started and suggested the state could work with the private sector to generate donations.

"My hope is that this will be so successful that it's going to generate a lot of private money and somewhat stay out of the way," he said.

Conference Committee on SB 1

**SBDRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession **1** violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, except for drug possession violations when the fentanyl-related compound is combined with marihuana or a Schedule III, IV, or V controlled substance and the offender did not know of the fentanyl content; to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse; and to add lisdexamfetamine to the list of schedule II controlled substances. (**REPORTED-AMENDED**; 1st Hearing-Possible vote)

One of the Senate's top priorities is on its way to the floor of both chambers after members on Tuesday reconciled their differences over the measure.

The conference committee on the bill (SB 1), as expected, amended the House version to shift the burden of proof to the prosecution to show a defendant knew or had reason to know of a fentanyl-related compound in a drug mixture in his or her possession. (See Gongwer Ohio Report, June 18, 2018)

"To be clear, that burden should remain on the state, no question about that," sponsoring Sen. Frank LaRose (R-Hudson) said, adding the aim of the bill is to tackle trafficking of the dangerous drug.

An amendment offered by Sen. Cecil Thomas (D-Cincinnati) to carve out an exemption for additional drugs that contain a fentanyl-related compound was tabled in a party-line vote.


"I believe that it goes in the wrong direction for this bill," Sen. LaRose said of the proposal. "This makes it more difficult for our prosecutors as it relates to those who are trafficking."

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Click the  after a bill number to create a saved search and email alert for that bill.

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## Daily Activity Planner for Wednesday, June 27

### Legislative Committees

**House Health** (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 8:30 a.m.

**HBMENTAL HEALTH** (Barnes, J.) To require the Department of Mental Health and Addiction Services to 677 operate a demonstration program under which a mental health trauma center is established as part of a county hospital located in Cuyahoga County. (1st Hearing-Sponsor & proponent)

**HBCHILD IMMUNIZATIONS** (Gonzales, A., Landis, A.) To make changes to the law governing 559 immunization of children enrolled in school, preschool programs, and day-care programs. (4th Hearing-Possible substitute & amendments)

**HBTELEMEDICINE** (Patton, T.) To prohibit health benefit plans from treating telemedicine services 546 differently from in-person health care services solely because they are provided as telemedicine services. (4th Hearing-All testimony-Possible vote)

**HBOPIOID MEDICATIONS** (Edwards, J.) Regarding addiction treatment and opioid prescribing by 167 physicians and dentists. (3rd Hearing-All testimony-Possible vote)

**HBSTEP THERAPY** (Johnson, T., Antonio, N.) To adopt requirements related to step therapy protocols 72 implemented by health plan issuers and the Department of Medicaid. (6th Hearing-Possible substitute)

**HBPREScribing AUTHORITY** (Seitz, B., Gavarone, T.) To authorize certain psychologists to prescribe 326 psychotropic and other drugs for the treatment of drug addiction and mental illness. (6th Hearing-Possible substitute & amendments)

**House Insurance** (Committee Record) (Chr. Brinkman, T., 644-6886), Rm. 116, 9 a.m.

**SB HEALTH PLAN CLAIMS** (Huffman, M.) To require health plan issuers to release certain claim 227 information to group plan policyholders. (1st Hearing-Sponsor)

**HBDEATH BENEFITS** (Hughes, J.) To revise the payments that surviving family members receive from the 621 Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. (3rd Hearing-Opponent)

**House Government Accountability & Oversight** (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 114, 9 a.m.

**SB CYBERSECURITY** (Hackett, B., Bacon, K.) To provide a legal safe harbor to covered entities that 220 implement a specified cybersecurity program. (3rd Hearing-All testimony-Possible amendments & vote)

**SB AGENCY RULEMAKING** (Uecker, J.) To reform agency rule-making and legislative review thereof. (4th 221 Hearing-All testimony-Possible amendments & vote)

**SB NOTARY PUBLIC** (Huffman, M., Wilson, S.) To enact the Notary Public Modernization Act. (3rd 263 Hearing-All testimony)

**Senate Energy & Natural Resources** (Committee Record) (Chr. Balderson, T., 466-8076), Finance Hearing Rm., 9 a.m.

**SB LAKE ERIE** (Skindell, M., Eklund, J.) To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement. (4th Hearing-All testimony-Possible vote)

**HB RENEWABLE ENERGY** (Blessing, L.) To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program. (8th Hearing-Possible amendments & vote)

**Senate Education** (Committee Record) (Chr. Lehner, P., 466-4538), South Hearing Rm., 9 a.m.

**SB ACADEMIC YEAR** (Manning, G.) To generally require public and chartered nonpublic schools to open for instruction after Labor Day. (7th Hearing-All testimony-Possible vote)

**HB COMMUNITY SCHOOLS** (Roegner, K.) Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school. (4th Hearing-All testimony-Possible amendments & vote)

**House Agriculture & Rural Development** (Committee Record) (Chr. Hill, B., 644-6014), Rm. 018, 9:30 a.m.

**HB AMUSEMENT RIDES** (Hughes, J., Patterson, J.) To revise the laws governing amusement ride operation and safety, to designate this act as "Tyler's Law," and to declare an emergency. (1st Hearing-Sponsor)

**HB PET FOOD** (Lanese, L.) To prohibit pet food from containing remains from an animal that was euthanized by the use of any drug injected intravenously or through another nonvascular route or remains from any dog or cat. (1st Hearing-Sponsor)

**Senate Government Oversight & Reform** (Committee Record) (Chr. Coley, B., 466-8072), North Hearing Rm., 9:45 a.m.

**SB OFFENDER RE-ENTRY** (Bacon, K., O'Brien, S.) To require the Department of Rehabilitation and Correction to establish a reentry program for all offenders released from prison who it intends to have reside in a halfway house or similar facility but who are not accepted by any such facility; to require the Adult Parole Authority to establish maximum work-load and case-load standards for its parole and field officers and have enough trained officers to comply with the standards; to require that GPS monitoring used for offenders released from prison under such monitoring specify restrictions, including inclusionary zones and necessary exclusionary zones; to require the Department to establish system requirements for GPS monitoring of such offenders by the Department or third-party contract administrators; to require the Department to operate a statewide database for law enforcement use containing specified information about such offenders; to require that third-party administrators for GPS monitoring under a new contract with the Department provide and use a law enforcement-accessible crime scene correlation program; and to name the act's provisions the Reagan Tokes Law. (3rd Hearing-Proponent)

**HBSPECIAL ELECTIONS** (Pelanda, D., Retherford, W.) To eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances. (2nd Hearing-All testimony-Possible amendments & vote)

**HB PUBLIC NOTICES** (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. (4th Hearing-All testimony-Possible amendments & vote)

**HB POLITICAL SUBDIVISION SPENDING** (Schuring, K., Greenspan, D.) Regarding use of credit cards and debit cards by political subdivisions. (4th Hearing-All testimony-Possible amendments & vote)

**SB OCCUPATIONAL LICENSING** (McColley, R.) To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations. (4th Hearing-All testimony-Possible amendments & vote)



**Senate Transportation, Commerce & Workforce** (Committee Record) (Chr. LaRose, F., 466-4823), South Hearing Rm., 10:15 a.m.

- Invited testimony on autonomous vehicles

**HB ROAD NAMING** (Kelly, B., Dever, J.) To designate a portion of I-71 in Hamilton County as the "Sonny 347 L. Kim Memorial Highway." (3rd Hearing-All testimony-Possible amendments & vote)

**SB ELEVATOR LAW** (Uecker, J., Yuko, K.) To revise the Elevator Law. (1st Hearing-Sponsor) 308

**SB ADMINISTRATIVE REGULATIONS** (Peterson, B., McColley, R.) To require agencies to reduce the 293 number of regulatory restrictions. (4th Hearing-All testimony-Possible amendments & vote)

**HCRANTI-SEMITISM** (Thompson, A., Greenspan, D.) To condemn the Boycott, Divestment, and Sanctions 10 movement and increasing incidents of anti-Semitism. (5th Hearing-All testimony-Possible amendments & vote)

**Senate Finance** (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 10:30 a.m.

**HBLENDING LAWS** (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum 123 duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. (5th Hearing-All testimony-Possible vote)

**House Session** (Committee Record) (Chr. Smith, R., 466-3357), House Chamber, 11 a.m.

**Senate Rules & Reference** (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

**Senate Session** (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

~~Canceled: **House Armed Services, Veterans Affairs & Homeland Security** (Committee Record) (Chr. Johnson, T., 466-2124), Rm. 116, 2 p.m. or after session~~

**HBMILITARY AFFAIRS** (Perales, R.) To establish the Office of Government and Military Affairs, and to 696 authorize the Office to make loans to defense or NASA communities and grants to defense or NASA communities, defense or NASA support organizations, and certain state institutions of higher education. (1st Hearing-Sponsor & proponent)

**SB MILITARY TRANSFERS** (LaRose, F., Williams, S.) To permit persons who quit work to accompany the 116 person's spouse on a military transfer to be eligible for unemployment compensation benefits. (2nd Hearing-Sponsor)

**HBD OG FEES** (McClain, R.) To exempt certain disabled veterans from paying a dog registration fee when 558 application is made to the county auditor that includes proof that the dog is an assistance dog. (3rd Hearing-All testimony)

**House Civil Justice** (Committee Record) (Chr. Butler, J., 644-6008), Rm. 121, 3 p.m. or after session

**HB DEBT COLLECTIONS** (West, T.) To require creditors, prior to collecting the debt of a decedent outside of 615 probate, to explicitly inform the person from whom payment is sought that the person is under no obligation to pay the debt. (1st Hearing-Sponsor)

**HB PUBLIC RECORDS** (Barnes, J.) To create a procedure by which a person may obtain a court order to 672 correct an error, omission, or legal defect in a public record, and to name the act the "Final Order Correction Act." (1st Hearing-Sponsor)

**HB CONTRACT LIMITATIONS** (Lang, G.) To shorten the period of limitations for actions upon a contract. 694 (1st Hearing-Sponsor)

**HB HUMANE SOCIETIES** (Hambley, S.) To make changes to humane society law and to make humane 147 society agents subject to bribery law. (4th Hearing-All testimony-Possible vote)



## Agency Calendar

No agency meetings scheduled.

## Event Planner

**Rep. Jonathan Dever (R-Cincinnati) fundraiser**, Athletic Club of Columbus, 136 E. Broad St., Columbus, 8:30 a.m., (Host: \$1,000, Sponsor: \$500, Patron: \$350 to Friends of Jonathan Dever)

**Ohio House Democratic Caucus leadership fundraiser**, Sheraton Hotel Capitol Square, Executive AB Room, 75 E. State Street, Columbus, 8:30 a.m., (Sponsor \$2,500, Host \$1,000, Friend \$500, Supporter \$350 to Committee to Elect Fred Strahorn, Friends of Nicholas J. Celebrezze, Emilia Sykes Campaign, Friends of Brigid Kelly, Jack Cera for State Representative, Ohio House Democratic Caucus)

**Rep. Kristin Boggs (D-Columbus) fundraiser**, Standard Hall, 1100 North High Street, Columbus, 5 p.m., (Sponsor \$250, Host \$100, Guest \$50, Young Dem \$25 to Boggs for Ohio)

**Rep. Keith Faber (R-Candidate for State Auditor) fundraiser**, The Goat, 219 South High Street, Columbus, 5 p.m., (Chair - \$1000 | Host - \$500 | Sponsor - \$250 | Individual - \$100 | Young Professional - \$50 to Friends of Faber)

**Rep. George Lang (R-West Chester) fundraiser**, Buckeye Bourbon House, 36 E. Gay St., Columbus, 5 p.m., (Host: \$2,000, Sponsor: \$1,000, Patron: \$500 to Friends of George Lang)

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## House Activity for Tuesday, June 26, 2018

### INTRODUCED

**HB CHARITABLE CONTRIBUTIONS** (Rezabek, J., Boggs, K.) Relative to the solicitation of charitable **711** contributions. Am. 1716.01, 1716.07, and 1716.08.

**HBPREVAILING WAGE** (Hood, R., Dean, B.) To repeal the Prevailing Wage Law. Am. 121.083, 123.281, **712** 164.07, 176.011, 307.022, 307.671, 307.673, 307.674, 307.696, 351.06, 353.03, 1311.25, 1506.44, 1509.071, 1710.02, 5540.03, and 6117.012 and to repeal sections 176.05, 4115.03, 4115.031, 4115.033, 4115.034, 4115.04, 4115.05, 4115.06, 4115.07, 4115.071, 4115.08, 4115.09, 4115.10, 4115.101, 4115.11, 4115.12, 4115.13, 4115.131, 4115.132, 4115.133, 4115.14, 4115.15, 4115.16, 4115.21, 4115.99, and 6121.061.

### CALENDAR FOR COMING SESSION

**SB CRIMINAL LAWS** (Eklund, J., Tavares, C.) To modify criminal sentencing and corrections law by **66** including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.

Wednesday, June 27

**SB FIREARMS** (Terhar, L.) To waive the concealed carry license fee for active members of the armed forces **81** and retired and honorably discharged veterans, to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience, to permit a licensee to renew a concealed handgun license at any time before the expiration of the license, and to require the Attorney General to monitor the number of license fees waived and cap the total amount allowed to be waived at \$1.5 million.

Wednesday, June 27

**SB WASTE COLLECTION VEHICLES** (LaRose, F.) To require motor vehicle operators to take certain **127** actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

Wednesday, June 27

**HB MEDICAL PROVIDER IMMUNITY** (Cupp, R.) To grant qualified civil immunity to certain medical **7** providers and emergency medical technicians who provide emergency medical services as a result of a disaster and through its duration; to provide that certain communications made regarding an unanticipated

outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to permit access to peer review committee documents during authorized inspections by the Director of Health while preserving their confidentiality; and to clarify the definition of "medical claim."

Wednesday, June 27

**HBPUBLIC INDECENCY (Schaffer, T.)** To require an offender who knowingly commits the offense of public indecency under certain circumstances involving exposure of private parts likely to be viewed by minors and for the purpose of sexual arousal or gratification to register as a Tier I sex offender/child-victim offender if the judge orders registration.

Wednesday, June 27

**HBVISION CARE INSURANCE (Schuring, K.)** Regarding limitations imposed by health insurers on vision care services.

Wednesday, June 27

**HBHOME INSPECTORS (Hughes, J.)** To require the licensure of home inspectors, to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors, and to require realtors who recommend home inspectors to provide a list of home inspectors

Wednesday, June 27

**HBMONTH DESIGNATION (Barnes, J.)** To enact the "Respect Your Date Act" to designate the month of April as "Respect Your Date Month" and to require each state institution of higher education to adopt a policy regarding dating violence, domestic violence, sexual assault, stalking, and rape on campus and to declare an emergency.

Wednesday, June 27

**HBPOLICE ANIMALS (LaTourette, S.)** To increase the penalty for assaulting a police dog or horse and to include search and rescue dogs and horses in the prohibition against assaulting or harassing a police animal.

Wednesday, June 27

**HBSEXTING (Hill, B., Rezabek, J.)** To generally prohibit sexting by a person under 19 years of age.

Wednesday, June 27

**HB CREDIT FREEZES (Henne, M., Kelly, B.)** To modify the fees that a credit reporting agency can charge in relation to a credit report freeze.

Wednesday, June 27

**HB BODY CAMERAS (Antani, N., Craig, H.)** To provide that specified portions of peace officers' body-worn camera recordings and the infrastructure record of a public school are not public records for purposes of the Public Records Law.

Wednesday, June 27

**HBSTUDENT EXPRESSION** (Ginter, T., LaTourette, S.) Regarding student religious expression and to entitle 428the act the "Ohio Student Religious Liberties Act of 2018."

Wednesday, June 27

**HB TAX CREDIT** (Schuring, K., Patton, T.) To authorize a nonrefundable insurance company tax credit for 469contributions of capital to transformational mixed use development projects.

Wednesday, June 27

**HB DRUG PRICE INFORMATION** (Lipps, S., West, T.) Regarding pharmacy benefit managers, pharmacists, 479and the disclosure to patients of drug price information.

Wednesday, June 27

**HB MULTI-PARCEL AUCTIONS** (Hill, B.) To establish requirements governing multi-parcel auctions. 480

Wednesday, June 27

**HB PRIVATE IMAGES** (Rogers, J., Manning, N.) To prohibit the nonconsensual dissemination of private 497sexual images, to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and protections of a victim of the offense.

Wednesday, June 27

**HB TOWNSHIP LAWS** (Carfagna, R.) To make various changes to township law. 500

Wednesday, June 27

**HB YOUTH SUICIDE** (Anielski, M.) With regard to educator inservice training on youth suicide awareness 502and prevention in public schools.

Wednesday, June 27

**HB MARRIAGE AGE** (Lanese, L., Rogers, J.) To make changes to the laws governing the ages at which 511persons may marry.

Wednesday, June 27

**HB TEACHER EVALUATIONS** (Gavarone, T., Manning, N.) With regard to teacher evaluations. 540

Wednesday, June 27

**HB COUNTY PROSECUTORS** (Perales, R., Hambley, S.) To allow a county prosecuting attorney to enter into 543a a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser.

Wednesday, June 27

**HB RETIREMENT CREDIT** (Scherer, G., Howse, S.) Regarding Public Employees Retirement System 572service credit for services as a nonteaching school employee of a county board of developmental disabilities.

Wednesday, June 27

**HBPROBATE LAW (Cupp, R., Rezabek, J.)** Relative to procedures for a testator to file a declaratory judgment **595** action to declare the validity of a will prior to death and the settlor of a trust to file such an action to declare its validity, exceptions to antilapse provisions in class gifts in wills and trusts, incorporation of a written trust into a will, trusts for a minor, arbitration of trust disputes, the creation of county and multicounty guardianship services boards, the coroner's disposition of person dying of suspicious or unusual death, an application for the release of medical records and medical billing records, and adding involuntary manslaughter not resulting from a felony vehicular homicide offense to the list of offenses excluding an individual from inheriting from a decedent.

Wednesday, June 27

## HOUSE SPEAKER'S APPOINTMENTS

Finance Committee: Appoint Rep. Keller

Community and Family Advancement Committee: Appoint Rep. Brinkman, remove Rep. Greenspan

Government Accountability and Oversight Committee: Appoint Rep. Hill.

## COMMITTEE HEARINGS

### Ways & Means

**HBSALES TAX REMITTANCE (Arndt, S.)** To authorize small retailers to remit sales taxes when the retailer **545** receives payment from the purchaser if the payment is received after the purchased item is delivered or the service is provided. (**REPORTED-AMENDED (See separate story)**; 3rd Hearing-All testimony-Possible amendments & vote)

**HBVOLUNTEER TAX CREDITS (Keller, C., Rezabek, J.)** To grant income tax credits to persons who serve **575** as volunteer firefighters or emergency medical service technicians. (**SCHEDULED BUT NOT HEARD (Sponsor's request)**; 4th Hearing-All testimony-Possible vote)

**HB TAX EXEMPTION (Antani, N.)** To exempt from sales and use tax things purchased by an interstate **641** logistics business and used primarily to move completed manufactured products to the point from which they are shipped from a manufacturing facility and related power sources. (**CONTINUED**; 2nd Hearing-Proponent)

Chris Kershner, executive vice president of the Dayton Area Chamber of Commerce and representing the Dayton Area Logistics Association, testified in support, telling the committee that the area has become a hotbed for logistics and distribution industry development.

"In total, the logistics and distribution industry has a \$2.5 billion annual economic impact on just the Dayton region and employs over 20,000 direct jobs, which generate over \$27 million in state and local income tax revenue," he said.

Nevertheless, the fact that Indiana has exempted sales taxes on the equipment addressed in the bill has placed some Ohio businesses at a competitive disadvantage, he said., citing an example of one company that has moved some operations to Indianapolis as a result.

"HB641 will level the playing field and position the logistics and distribution industry to have similar tax advantages that are currently afforded to logistics equipment purchases in our neighboring state of Indiana and the Ohio manufacturing industry," Mr. Kershner said. "With the Dayton area being located less than 45 minutes from the Indiana border, it is very easy and economically beneficial for Ohio based companies to go over the border and make equipment purchase that can cost tens of thousands of dollars."

Thomas Balzer, president and CEO of the Ohio Trucking Association, submitted written supportive testimony.

"HB641 would make Ohio's tax policy more competitive with surrounding states by exempting forklifts that are purchased by an interstate logistics company from sales and use tax," he wrote. "As Ohio attempts to attract logistics companies and distribution centers, its lawmakers must eliminate burdensome tax policies that place Ohio-based businesses at a competitive disadvantage."

Financial Institutions, Housing & Urban Development

**HB FORCIBLE ENTRY** (Merrin, D.) To clarify how to calculate certain timelines under which a forcible entry **390** and detainer action must occur. (**CONTINUED-SUBSTITUTE**; 6th Hearing-All testimony-Possible substitute, amendments & vote)

The panel adopted a substitute from Rep. Jim Hoops (R-Napoleon) that impacts laws regarding evictions tied to violations of drug laws; addresses the role of condominium and manufactured home boards regarding the placement of electric vehicle charging stations; and expands the roles of metropolitan housing authorities.

The new version (comp doc) specifies that the notification of timing for drug-related evictions is the same as it is for other evictions - in which the day of the notice is not counted, as are all following days.

The new version also blocks condo boards and manufactured home parks from creating "unreasonable" restrictions on the installation of electric vehicle charging stations and directs them to adopt standards regarding the stations.

The substitute further grants metropolitan housing authorities the ability to redevelop "slum" areas and authorizes them to be involved in mixed-income and mixed-use developments, participate in partnerships to develop or redevelop housing and provide housing-related services to other organizations.

The new version also clarifies that housing authorities may provide federal rent subsidies to tenants who meet federal criteria.

It was adopted on a 7-4 vote with Democrats in opposition.

The panel also tabled, on the same tally, amendments from Rep. Kent Smith (D-Euclid).

Two of Mr. Smith's proposals would have altered the bill's provisions regarding the timing of the drug-related eviction process. In one, a ten-day period would have started on the day after a writ is received by a county sheriff. The second would have clarified that evictions could occur not less than four days after a notice is delivered to a resident.

Rep. Jim Hughes (R-Columbus) said the changes would alter established case law and could have the effect of delaying access to housing for others who might want to move in.

Chair Rep. Jonathan Dever (R-Cincinnati) said discussions on the proposal would continue over the summer.

Bryan Brown, chief operating officer of the Columbus Metropolitan Housing Authority, appeared as an interested party, telling the panel he supports language that expands the group's authority and allows it to provide consulting services via contract.

Mr. Brown said the bill modernizes 1930's-era language by allowing housing authorities to be involved in mixed-use and mixed-income developments. The changes, he said, recognize that low-income housing is now more spread out than it was in years past when the large majority of housing stock was in the urban cores.

The bill, he said, clarifies that officials can respond to resident needs and provide services in alternative developments.

Mr. Brown told Rep. Hoops that he expects rural and urban housing officials will agree that the changes are positive, and added that the new authority is permissive.

Responding to Rep. Gary Scherer (R-Circleville) about why the group isn't a proponent of the bill, Mr. Brown said CMHA is only addressing sections of the bill dealing with its operations.

The witness told Rep. Smith that there is a significant need for affordable and assisted housing in the state, adding that many people working low-wage jobs struggle to afford their rent.

He also told the lawmaker that eviction is a significant problem in central Ohio, where courts are clogged with eviction cases. In many cases, people get trapped in a cycle of falling behind, which often leads them to lose their homes, he said.

Rep. Scott Wiggam (R-Wooster) asked if CMHA ever evicts residents.

Mr. Brown said there are some evictions, and added that those cases are considered failures. He said, however, the group tries to avoid evictions when possible.

Mr. Wiggam asked why the agency doesn't just stop evicting residents.

Mr. Brown said there are some cases when the authority has an obligation to evict a tenant who violates his or her lease terms to help protect others in the area.

Tim Williams of the Ohio Manufactured Homes Association offered written testimony in support.

#### Finance

**HB KINSHIP CAREGIVERS** (Boyd, J., Rezabek, J.) To require a region-based kinship caregiver navigator **126** program. (On House calendar Wednesday, June 27 (Earlier: REPORTED-AMENDED); 2nd Hearing-  
 All testimony-Possible amendments & vote)

The committee unanimously reported the measure from Rep. Janine Boyd (D-Cleveland Hts.) and Rep. Jeff Rezabek (R-Clayton) after accepting an amendment from Rep. Theresa Gavarone (R-Bowling Green).

The amendment, as described by Rep. Boyd to the committee, addresses funding for the legislation, which the Ohio Department of Job and Family Services had previously pegged at about \$6.5 million a year.

But Rep. Boyd said the federal government has recently agreed to a 50-50 match with states carrying out such programs. As a result, the amendment calls for a total \$5 million appropriation over the biennium.

Written proponent testimony was accepted from Quo Vadis Ellison and Phylene Thomas - both of the Northern Ohioans for Budget Legislative Equality.

Ms. Ellison, a former foster and kinship care parent, wrote there are about 125,000 children living in kinship care relationships in Ohio. With the opioid crisis, she added, the number continues to climb.

"By implementing a Navigator program, it will connect the kinship care providers to the support that is necessary for them to be the best caregivers that they can be," Ms. Ellison wrote. "By connecting kinship care parents to the support that is available to them, it can ensure that the vulnerable children who are with their kinship care parents can grow up in the best environment for them to thrive."

**HB COMMERCIAL DRIVER STUDENTS** (Smith, R., Manning, N.) To establish the Commercial Truck **154** Driver Student Aid program and to make an appropriation. (REPORTED; 1st Hearing-Sponsor-Possible  
 vote)

The legislation was ultimately reported with three dissenting votes - Rep. Brigid Kelly (D-Cincinnati), Rep. Dan Ramos (D-Lorain), and Rep. Alicia Reece (D-Cincinnati).

Prior to that, lead co-sponsor Rep. Nathan Manning (R-N. Ridgeville) said the commercial trucking industry continues to struggle to find qualified workers and that the number of available jobs will only continue to mount in the coming years.

"With the need for qualified workers, the intent of this legislation is to create a dual scholarship and loan program which requires enrollees to have a stake in the process while giving individuals with lower means the ability to participate," the sponsor said.

He described a screening process that would require applicants to qualify for a commercial driver's license and typical employment. A driving record check, a drug test and a residency requirement would also be implemented.

He told Chairman Rep. Scott Ryan (R-Newark) the legislation would appropriate \$5 million in Fiscal Year 2019 from the General Revenue Fund to support the program.

Rep. John Rogers (D-Mentor-on-the-Lake) questioned language requiring those eligible to have three or fewer moving violations in two consecutive years. In those cases, shouldn't the person be permitted to go to a remedial driving course to remove some of those points from his or her license? the lawmaker asked.

Rep. Manning replied that the goal is to ensure the driver will qualify for the employment prior to embarking on the program. "I understand your concern," he said. "We just don't want to spend state money or people to spend their own money where at the end of the day...they don't qualify."

Rep. Ramos questioned the impact potential autonomous vehicles might have on the industry. Gov. John Kasich, he noted, has been an ardent supporter of positioning Ohio for success in this field.

"Do you have any concern although this may be an in demand job today if the governor gets his way...with automation thee jobs may not be the jobs of the future?" Rep. Ramos asked.

"It's not going to eliminate the driver themselves," Rep. Manning said. "We look at planes and a lot of planes these days the pilot is there to make sure nothing goes wrong and take off and land. That's probably what we're going to see in the next decade with truck drivers."

Written proponent testimony was also submitted by the Ohio Trucking Association and the Ohio-Michigan Association of Career Colleges and Schools.

**HB WATER SEWER SERVICES** (Duffey, M., Lanese, L.) To penalize a municipal corporation for engaging in 602 certain actions related to its provision of water and sewer services outside of its territory by reducing or withholding payments the municipal corporation receives from the Local Government Fund and rendering the municipal corporation ineligible for state water and sewer development funds. (CONTINUED (See separate story); 3rd Hearing-All testimony-Possible vote)

**HB INDUSTRIAL PARK LOANS** (Thompson, A., Edwards, J.) To reinstate the rural industrial park loan 695 fund and to make an appropriation. (CONTINUED; 2nd Hearing-All testimony)

A handful of representatives from various local economic development agencies attested to the benefits they see in the legislation and the challenges the Appalachian region faces in landing development.

Mike Jacoby, president of the Appalachian Partnership for Economic Growth, said speculative development is often too risky for private developers without subsidies or other forms of risk mitigation. No JobsOhio or Ohio Development Services Agency programs currently exist to fill that need in developing industrial buildings or greenfield sites, he said.

By reactivating the Rural Industrial Park Loan Fund -- which before its inactivation used grants and loans to provide up to 75% of eligible development costs -- the witness said lawmakers can help fill that gap.



"We need your help developing the prerequisites of ready sites and building for growing jobs in this distressed region," Mr. Jacoby said.

Responding to questions, Mr. Jacoby said Ohio University may indirectly benefit from the program as it is seeking to play an increasingly aggressive role in fostering the region's health. He also described the region's topographical challenges as it impact development projects.

Leaders from the economic development arms of Athens, Meigs, Morgan and Lawrence counties also spoke or submitted written testimony in support of the measure.

As did Jeannette Wierzbicki, executive director of the Ohio Mid-Eastern Governments Association, who opined in writing that the program is an underutilized "tool that would help our counties mitigate that competitive disadvantage."

**SB WATER IMPROVEMENTS (Gardner, R., O'Brien, S.)** To allow equipment for the protection and **299**preservation of Lake Erie to be purchased with proceeds from the Parks and Recreation Improvement Fund, and to appropriate funds for projects enhancing water quality in the Western Lake Erie Basin. (**On House calendar Wednesday, June 27 (Earlier: REPORTED-SUBSTITUTE (See separate story)); 2nd Hearing-Possible amendments & vote)**

**Subscribers Note:** For full testimony see the [committee's website](#) under June 26.

#### Federalism & Interstate Relations

**HBGRANT APPLICATIONS (Thompson, A.)** To establish procedures that executive agencies must follow **580**when applying for grants, to require the Governor to approve any major grant application, and to permit the Governor to disapprove any minor grant application. (**CONTINUED; 3rd Hearing-Sponsor)**

Erin Tuttle, policy analyst at the American Principles Project, in interested party testimony told the panel that the measure "would ensure that elected officials, rather than state bureaucrats, control state obligations and policy."

"The federal administrative state imposes a heavy burden on the states," she said. "Federal bureaucrats craft grant programs for state and local government that come with strings attached - financial and policy obligations - that put the state on the hook, sometimes for years. Often, these grants are accepted without the governor or the legislature having a say, or even real notice, as to the state's commitments. Authorizing the governor to prohibit grants will put the state's elected officials at the federal bargaining table - strengthening their hand to negotiate better terms on behalf of their citizens."

Micah Derry, state director for Americans for Prosperity - Ohio, said federal funding is "a very strong coercion point."

"That point lies in the ongoing struggle for funding revenue to coalesce with the ever-present demands of services for the state to provide. As the federal agencies seek influence and sway with state and local governments, a powerful tool in their repertoire is that of grants of cash - with strings attached," he said. "These strings take on many different forms, either through changes in Ohio's Administrative Code, perhaps even through legislation, or by requiring that rules stay on the books for years to come even though the grant was a one-time cash infusion."


**HB CONCEALED HANDGUNS (Becker, J.)** To enact the "Decriminalization Effort For Ending Notorious **703**Deaths -- Teachers With Options (DEFEND-TWO)" to allow a concealed handgun licensee or qualified military member to carry a concealed handgun in certain public premises, to reduce the penalty for a concealed handgun licensee who carries a concealed handgun in a prohibited place, and to prohibit public employers and universities from disciplining employees or students who lawfully carry a concealed handgun on the premises. (**CONTINUED; 1st Hearing-Sponsor)**


Sponsoring Rep. John Becker (R-Union Twp.) said the measure is designed to address public sector gun-free zones.

The measure would reduce the felony penalty for a concealed handgun licensee carrying a firearm in such a zone to a fourth-degree misdemeanor.

"According to the Crime Prevention Research Center, 97.3% of mass public shootings since 1950 have occurred in gun-free zones," Rep. Becker said. "This reflects the reality that criminals don't follow laws, and they know that those in gun-free zones are easy targets. Fire extinguishers exist in public buildings in the hope that they will not need to be used, but they are important tools at tenants' disposal before the fire department arrives."

Questioned by Chairwoman Rep. Kristina Roegner (R-Hudson) about an upcoming amendment to the bill, Rep. Becker said it will correct a drafting error that as currently written would require all armed security personal to man entrances.

**SB WEAPON POSSESSION** (Terhar, L.) To allow a law enforcement officer or investigator, whether on or off **208** duty, to carry a weapon on certain premises open to the public. (**REPORTED** (See separate story); 2nd  Hearing-All testimony-Possible vote)

**HRWORKER VISAS** (Young, R.) To urge President Donald J. Trump, members of his administration, and the **391** Congress of the United States to revise the requirements for the H-2A Temporary Agricultural Worker Visa  Program established under the Immigration and Nationality Act to reduce the cost and regulatory impact on employers who utilize the Program. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Ron Young (R-Leroy) said the current federal H2A visa law penalizes businesses for trying to do the right thing.

"They are using a U.S. government program designed to legally provide the manpower absolutely necessary for the survival of their firms," he said in sponsor testimony. "They are not attempting to break our laws by hiring workers in the country illegally. They use this program to obtain workers at great expense to their operations, because it's the right and legal thing to do."

Rep. Young said turnover among non-migrant workers at nurseries and wineries is extremely high, with most lasting less than a week.


However, for those businesses to obtain the workforce they need, they are required to go through a lengthy and costly process.

The legislation, he said, "outlines the overly complicated and extremely expensive non-business-friendly practices that our government is requiring in the current H2A program."

"It urges the passage of legislation revising the requirements for that program," he added. "Any new legislation should be designed to reduce the costs incurred by, and the regulatory and compliance burden imposed upon, employers who use the program to hire temporary agricultural workers."

**Subscribers Note:** For full testimony see the [committee's website](#) under June 26.

Community & Family Advancement

**HB MARRIAGE CEREMONIES** (Vitale, N.) To provide that an ordained or licensed minister or religious **36** society is not required to solemnize a marriage and a religious society is not required to allow any building  or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained

or licensed minister or religious society for such a denial. **(REPORTED (No testimony) (See separate story) On House calendar for Wednesday, June 27; 5th Hearing-Possible vote)**

#### State & Local Government

**HB FIREARM LAWS (Henne, M.)** To expand the definition of dangerous ordnance to include armor piercing **585**ammunition and expand the definition of an automatic firearm to include any device within the federal definition of machine gun; to create additional conditions under which an individual may not possess a firearm or dangerous ordnance and to eliminate the process by which an individual may apply for relief from a weapons disability; to generally prohibit a person from buying, purchasing, obtaining, or furnishing a firearm on behalf of a third party; to provide for the entry of protection orders into the federal NCIC database and LEADS; and to provide for the issuance by a court of an extreme risk protection order. **(CONTINUED-SUBSTITUTE (No testimony); 4th Hearing-Possible substitute)**

Sponsor Rep. Michael Henne (R-Clayton) explained the various components of the substitute version (Comparison Document) that was adopted by the committee without comment.

The most impactful of those, he said in an interview, is the elimination of "ex parte" hearings following the seizure of firearms from individuals subjected to extreme risk protection orders (ERPO).

Mr. Henne said the provisions regarding ex parte hearings, which were referenced throughout the original measure but removed in the substitute, were among the most cited by critics. Under the as-introduced version, firearms could be taken from a person under an ERPO and a hearing on the matter could be held as much as 72 hours later. The sponsor said there were concerns over due process with that approach.

Another change involves the elimination of references to "deadly weapons" seizures under ERPOs, leaving only "firearms" in the language. Other changes involve the administration of ERPOs, the process of taking and returning firearms, voluntary surrender of firearms, warrant issuances, the offenses of "having weapons while under disability" and "unlawful transactions in weapons"; and protection order filings reported to law enforcement databases.

**HB MONTH DESIGNATION (Ramos, D., Lang, G.)** To designate September 15 to October 15 each year as **589** "Hispanic and Latino Heritage Month." **(REPORTED; 3rd Hearing-All testimony-Possible vote)**

Lilleana Cavanaugh, executive director of the Ohio Latino Affairs Commission, testified in support prior to the committee report.

She noted that diversity of Ohio's population has changed over the last two decades, as the minority population increased by more than 30% since 2000 while the white population dropped by 3%.

"Hispanics/Latinos, in particular, are leading Ohio's population growth with a 93% increase since the year 2000," she said. "While much of the growth within Ohio's Hispanic/Latino population has occurred among the Mexican community, Ohio is also home to Puerto Ricans, Guatemalans, Cubans, El Salvadorans, Spaniards and more. This diversity of heritage is part of what makes our community flourish in Ohio, and the name 'Hispanic and Latino Heritage Month' aims to celebrate this diversity by encompassing Ohioans of both Latin American and Spanish origin."

With those trends, Ms. Cavanaugh said, the Hispanic/Latino community is making up a larger portion of the state's economy and contributions to education, government, science, and the arts.

"House Bill 589 is an important step to honoring and recognizing the contributions that Hispanics/Latinos have made in these fields and others," she said.

**HBLAND SALES (West, T., Green, D.)** To give county auditors more discretion with respect to how often tax-**598**forfeited land shall be offered for sale, to expressly immunize counties from civil liability in connection with such land, and to remove a requirement that property held by a land bank for more than fifteen years must be

offered for sale at a public auction. **(REPORTED-AMENDED; 3rd Hearing-All testimony-Possible amendments & vote)**

Rep. Steve Hambley (R-Brunswick) amended the bill with language specifying auditors' mandated frequency of forfeited land auctions to "every 6 years or less as they see fit."

Dan Acton, government affairs director for the Ohio Real Estate Investors' Association, said in supporting the measure that his group initially had concerns about land banks but now see they are rightfully becoming the clearinghouse for distressed properties versus prime properties.

"House Bill 598 seeks to remove restrictions placed on county auditors by allowing them to offer forfeited property at any time they deem the offer for sale is appropriate," he said. "Perhaps interest rates are favorable, development/redevelopment project was just announced, or someone expresses interest in a property that would otherwise continue to remain vacant causing the need for a quicker offer for sale. Flexibility and local control are critical in addressing local housing markets, what works in Cuyahoga County may not be appropriate for Trumbull County."

"Additionally, the latitude provided to county land banks to sell a property not sold or transferred within 15 years of acquisition because it did not receive the requisite 2/3 fair market value is a major change that will help clear the decks of many unoccupied land bank-controlled properties," Mr. Acton added.

"Allowing a land bank to hold properties beyond the 15-year window could allow collaboration with the local community to make proposals for redevelopment in those areas, but conversely allowing for sales below fair market value could benefit both the land bank and my members' by allowing acquisition to occur and letting us perform the rehabilitation and getting the unit back into housing circulation. House Bill 598 is about local government leaders solving a specific problem in their community with an innovative, individualized approach."

**HB AWARENESS MONTH** (Schaffer, T.) To designate July as "Hank Kabel Sarcoma Awareness Month." **651** **(REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)**

**HBTAX LEVY** (Barnes, J.) To expressly authorize municipal corporations to impose an unvoted property tax **675** levy not exceeding one mill per dollar of taxable value for the purpose of funding a local Hope for a Smile Program. **(CONTINUED-SUBSTITUTE (No testimony); 3rd Hearing-Possible substitute)**

Rep. Glenn Holmes (D-McDonald) said the substitute clarifies local authority to establish Hope for a Smile programs.

**SB REGIONAL GOVERNMENT COUNCILS** (Dolan, M.) To modify the law concerning regional councils **239** of governments. **(REPORTED-AMENDED (No testimony; On House calendar Wednesday, June 27); 3rd Hearing-All testimony-Possible vote)**

Rep. Hambley amended the bill with language specifying that Canton may have more than one Tourism Development District.

In addition, Rep. Rick Carfagna (R-Westerville) won support for an amendment regarding state law on liability insurance. It states: "'Restatement of the Law, Liability 10 Insurance' that was approved at the 2018 annual meeting of the 11 American law institute does not constitute the public policy of 12 this state and is not an appropriate subject of notice."

Reps. Carfagna, Hambley and Rep. James Hoops (R-Napoleon) also attached memorial road namings to the measure.

Economic Development, Commerce & Labor

**HB STEEL WELDING** (Perales, R., Dever, J.) To establish in the Ohio Building Code requirements pertaining **127** to structural steel welding and bridge welding. **(REPORTED-SUBSTITUTE (No testimony); 5th Hearing-**

### All testimony-Possible substitute & vote)

The measure was reported by a 10-2 vote with Rep. Bill Dean (R-Xenia) and Rep. Ron Hood (R-Ashville) voting against.

The panel accepted a substitute version (Comp Doc) from Rep. Craig Riedel (R-Defiance) that transfers responsibility for implementing the legislation from the Board of Building Standards to the superintendent of industrial compliance.

In doing so, the substitute version:

- Requires the superintendent or a building official certified by him or her to enforce the new welding standards.
- Authorizes the superintendent to certify local building departments, personnel and private firms to conduct inspections of the welding standards.
- Eliminates references to bridge welding, rendering the bill only applicable to structural welding.
- Enables a locality without a certified department to adopt another department or private third party to do the inspections or enforcement.
- Allows the superintendent to investigate departments and revoke certifications.
- Allows the superintendent to adopt rules to implement the bills, govern inspections and record keeping, establish fees, and more.

### **HB 236 ELEVATOR LAW** (Patton, T., Cupp, R.) To enact the Model Elevator Law. (CONTINUED; 3rd Hearing-All testimony)

Mark Mullins, assistant chief of the Oregon Fire and Rescue Department, was the sole proponent to testify during the measure's third hearing. Regulating elevators would place the machines on par with other life safety systems, he argued.

"Fire departments across Ohio do everything we can to avoid fires and to avoid unforeseen problems if a fire does occur and we need to run in and save lives," Mr. Mullins said. "Passing House Bill 236 would take another variable off the table for fire and rescue professionals. For that reason, I urge you to support HB 236."

But several specialty groups in the industry aren't sold on the idea. The companies that testified install smaller, more limited use lifts and elevator - sometimes for handicap accessibility purposes - and argue any licensure should account for differences between their work and those who install full-sized commercial elevators and escalators.

Pete Newstrom, vice president of Arrow Lift, said the currently proposed licensure requirements are "overly burdensome" on home and accessibility companies and adopt a "one size fits all approach." That's because it would require all mechanics to possess a license, instead of just one per company, and it requires the same training for limited elevator equipment as full size passenger elevators and escalators.

He told Rep. Michele Lepore-Hagan (D-Youngstown) that other states in which the company operates have some sort of licensure "but I do not believe any of them lump in the equipment we work on...along with high rise elevators and escalators."

Access Solutions Inc., Accessibility Equipment Manufacturers Association and 101 Mobility of Columbus and Cleveland expressed similar concerns.

"We realize and are sensitive to the importance of safety in all industries," said Mike Simko, president of Access Solutions. "We welcome practical sensible means that enhance this mindset. However, the current language of

this proposed bill appears to encompass more than just public safety."

The Associated Builders and Contractors of Ohio shared broader concerns with Director of Government Affairs Bryan Williams calling it an "expensive, anti-competitive solution in search of a public safety need."

"HB 236 is a thinly veiled effort to limit the number of merit shop elevator contractors in Ohio," Mr. Williams wrote. "If passed, this bill would increase the cost of commercial elevator service and provide no discernable public safety benefit."

Andrew Herf, lobbyist for the Elevator Industry Work Preservation Fund, returned before the committee to push back on efforts to exempt smaller, limited use accessibility elevators from licensure requirements.

"As a policy I think that's a mistake," said Mr. Herf, who has previously provided proponent testimony. "We feel strongly those elevators should be regulated the same as any other elevator."

**HB MINOR WORKERS** (Perales, R., Romanchuk, M.) Regarding hazardous occupations prohibited for **551** minors and providing training to certain minors employed in a construction or manufacturing occupation.  
 (CONTINUED; 3rd Hearing-All testimony-Possible vote)

Andrea Ashley, vice president for the Associated General Contractors of Ohio, testified in opposition while stating she appreciated the sponsors' intent to expose young people to the industry.

Nevertheless, she said overall training requirements for minors remain "woefully insufficient" and the instruction language for the operation of tools is "very vague and could be ripe for abuse."

The group has additional worries about OSHA training requirements, the lack of language centered on supervision on the job side, and the nature of insurance, workers compensation coverage, liability and other risks, she said.

"We urge the committee either (1) take the time to thoroughly consider the differences between the two industries and make changes to address the construction concerns; or (2) simply remove construction from the current bill and take the time to work with the interested parties to develop a more appropriate proposal for the construction industry," Ms. Ashley said.

Rep. Al Landis (R-Dover) called it a "good bill" but agreed with Ms. Ashley's assessment there are some "serious flaws." He specifically singled out the lack of supervision requirements.

Rep. Steven Arndt (R-Port Clinton) and Rep. Thomas West (D-Canton) also expressed concerns with the adequacy of the training environments.

Ms. Ashley agreed that "an OSHA 10 hour course is not specific enough for a job site." She also advocated against lumping construction and manufacturing requirements broadly together in a one size fits all approach.

Several other opponents submitted written testimony echoing those concerns, including the Construction Employers Association, the Ohio Association of Comprehensive and Compact Career-Technical Schools, the International Union of Operating Engineers Local 18, and Mechanical Contractors Association of Ohio.

Joyce Malainy, superintendent for the Career and Technology Centers of Licking County, submitted interested party feedback, calling the measure "a worthwhile attempt to help the manufacturing and construction based industrial employ 16 and 17 year olds with requisite training."

**HGLOBAL MARKETS** (Barnes, J.) To establish the "Access to Global Market Opportunities for Ohio **600** Manufactured Products Program" to be composed of the "Ohio Global Leadership Initiative" and the "Global Initiative on International Relations" to create new, untapped global markets for Ohio businesses and thereby promote job creation, and to make an appropriation. (CONTINUED-SUBSTITUTE (No testimony); 2nd Hearing-Proponent-Possible substitute)

The committee accepted a substitute bill from Rep. Hood that replaces the substance of the bill with a similar program overseen by the director of development services. Under that program, the director must maintain a list of individuals who have experience conducting business in global markets.

The language specifies that one's inclusion on the list is not an endorsement or assumption of liability on the part of the state. Those included on the list must submit their information to the director and there is no screening process.

**HBAUXILIARY CONTAINERS** (Lang, G., Lipps, S.) To authorize a person to use an auxiliary container for **625** any purpose, to prohibit a municipal corporation, charter county, or limited home rule township from imposing a tax or fee on auxiliary containers, and to clarify that the existing anti-littering law applies to auxiliary containers. (**CONTINUED**; 3rd Hearing-Opponent)

The Ohio Municipal League and the Ohio Township Association each submitted written testimony opposing the measure prohibit taxes or fees for the use of an auxiliary container such as plastic and paper bags, carry-out food containers and others.

OML Executive Director Kent Scarrett said the proposal violates Home Rule authority.

"For any who may be concerned by the fact that Home Rule authority grants the legislative authority of a municipality to theoretically place a tax or a fee on 'auxiliary containers' such as plastic bags, it is important to know that the status quo has proven this need not be a concern," Mr. Scarrett wrote. "No municipality in Ohio has passed legislation to tax auxiliary containers of any variety. In our view, this bill poses a solution looking for a problem."

And OTA Executive Director Matthew DeTemple wrote that the legislation "diminishes the role of local policymaker in protecting the resources that make their community attractive."

**HCRGOVERNMENT REGULATIONS** (Riedel, C., Holmes, G.) To urge Congress to propose the Regulation **24** Freedom Amendment to the Constitution of the United States. (**CONTINUED (No testimony)**; 4th Hearing-All testimony-Possible vote)

**Subscribers Note:** For full testimony see the committee's website under June 26.

#### Education & Career Readiness

**SB SCHOOL REGULATIONS** (Huffman, M.) To enact the "Ohio Public School Deregulation Act" regarding **216** the administration of preschool and primary and secondary education programs. (**REPORTED-AMENDED**) (See separate story; On House calendar Wednesday, June 27); 5th Hearing-All testimony-Possible amendments & vote)

#### Government Accountability & Oversight

**SB CYBERSECURITY** (Hackett, B., Bacon, K.) To provide a legal safe harbor to covered entities that **220** implement a specified cybersecurity program. (**CONTINUED-SUBSTITUTE (See separate story; On House calendar Wednesday, June 27-pending committee report)**; 2nd Hearing-All testimony-Possible substitute & vote)

**SB AGENCY RULEMAKING** (Uecker, J.) To reform agency rule-making and legislative review thereof. **221** (**CONTINUED; On House calendar Wednesday, June 27-pending committee report**); 3rd Hearing-All testimony-Possible amendments & vote)

Zach Schiller, research director for Policy Matters Ohio, said the measure includes "overreaching language" that adds to the definition of what can constitute an "adverse impact" on a business.

"Just like Ohio residents, businesses have opportunities to participate when (the Joint Committee on Agency Rule Review) performs its regular reviews of the administrative code," he said. "They should not have special



rights."

Rep. Brigid Kelly (D-Cincinnati) asked Mr. Schiller if he's aware of any similar protections for residents if a rule has adverse effects on them.

Mr. Schiller said he's not aware of any such protections but added he is not an expert on JCARR.

Chairman Rep. Louis Blessing (R-Cincinnati) said he sees the legislation as "trying to combat" delegation of the state legislature's duty to agencies and regulatory overreach.

Mr. Schiller said he questions if that is an actual problem in the state.

**SB NOTARY PUBLIC (Huffman, M., Wilson, S.)** To enact the Notary Public Modernization Act.  
**263** (CONTINUED; 2nd Hearing-All testimony)

Roger Rill, president of the Ohio Society of Notaries, said the legislation is necessary because the state has no requirements for the position beyond "age, residency and 'good moral character.'"

"The result has been that, for decades, the vast majority of Ohio notaries received little or no training or vetting for their essential role in the legal system, or the critical responsibilities to Ohio's citizens that they are sworn to fulfill."

Mr. Rill said his organization also supports the adoption of amendments that would prevent notaries from performing their duties for lineal family members and require current notaries to undergo the training class established by the bill alongside new candidates when they renew their commissions for the first time.

Nicole Ehrbar, vice president of public policy for Quicken Loans, said the legislation's provisions regarding online notary services will be appreciated by financial services companies.

"By embracing online notarization and technology, we will be able to streamline and enhance the convenience and security of the mortgage closing process in a world where people are constantly on the move," she said.

**Subscribers Note:** Full testimony is available on the committee's [website](#) under June 26.

Conference Committee on SB 1

**SBDRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, except for drug possession violations when the fentanyl-related compound is combined with marijuana or a Schedule III, IV, or V controlled substance and the offender did not know of the fentanyl content; to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse; and to add lisdexamfetamine to the list of schedule II controlled substances. **(REPORTED-AMENDED; 1st Hearing-Possible vote)**

One of the Senate's top priorities is on its way to the floor of both chambers after members on Tuesday reconciled their differences over the measure.

The conference committee on the bill (SB 1), as expected, amended the House version to shift the burden of proof to the prosecution to show a defendant knew or had reason to know of a fentanyl-related compound in a drug mixture in his or her possession. (See [Gongwer Ohio Report, June 18, 2018](#))

"To be clear, that burden should remain on the state, no question about that," sponsoring [Sen. Frank LaRose](#) (R-Hudson) said, adding the aim of the bill is to tackle trafficking of the dangerous drug.

An amendment offered by [Sen. Cecil Thomas](#) (D-Cincinnati) to carve out an exemption for additional drugs that contain a fentanyl-related compound was tabled in a party-line vote.




"I believe that it goes in the wrong direction for this bill," Sen. LaRose said of the proposal. "This makes it more difficult for our prosecutors as it relates to those who are trafficking."

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## GONGWER Ohio

The Record of Capitol Square Since 1906

### Volume #87, Report #123 -- Tuesday, June 26, 2018

#### Payday Lending Bill Stalls In Senate As Debate Continues

A Senate committee continued work Tuesday on potential changes to legislation overhauling the state's short-term loan laws, but the issue isn't going to be resolved this week and maybe not for a few months.

Senate Finance Committee Chairman Sen. Scott Oelslager (R-N. Canton) said at the start of Tuesday's hearing that the measure (HB 123) won't be coming up for a committee this week. The chamber had been eyeing it for a potential floor vote Wednesday, which is expected to be the last day of legislative action prior to the lengthy summer recess.

"We are going to take our time with this," Sen. Oelslager said.

Proponents of the measure said any delay would be detrimental to implementing strong regulations.

"I've been around here long enough to know what delay can do to kill the momentum for something that is truly meaningful," said Marc Dann, founding partner of DannLaw and former attorney general. "If we lose that momentum, I think it would be fatal."

Members of the committee also heard an update from Sen. Matt Huffman (R-Lima) on his proposed amendments to the measure. Consumer protections and licensing requirements he discussed last week were unchanged (See Gongwer Ohio Report, June 21, 2018), but he outlined new proposals for how loans could be constructed.

Those requirements included barring interest-only payments and ensuring all short-term loans are amortized installment loans, he said. Borrowers would only be allowed to owe a total of \$2,500 in principal at any time, with a database to track all loans made under the law.

It would also cap total fees and interest at specific per diem rates based on the size and duration of the loan, with the highest per diem rate of \$0.76 for \$100 loans up to 90 days. Small loans would be limited to short terms, and larger loans would be limited to longer terms.

Sen. Huffman said the per diem would cover the total cost of the loan, including fees and interest.

"Every borrower will be able to see exactly how much it's going to cost for their loan," he said.

The APR of each loan would vary, with the maximum allowable APR at 360%, he said.

This loan structure would eliminate about 900,000 of the roughly 2 million loans made in the state, mostly the ones with particularly high interest rates that are made online, Sen. Huffman said.

Sen. Michael Skindell (D-Lakewood) said the proposal wouldn't address the basic problem the legislation is intended to address.

"We're not getting to the root of the problem, which is people are getting into a cycle of debt," he said.

By requiring the loans to be amortized and abolishing interest-only loans, borrowers would be assured that the debt would eventually be paid off, Sen. Huffman said. The \$2,500 limit would also prevent borrowers from taking out new loans to pay off old ones.

Backers of the legislation were not amenable to Sen. Huffman's proposal, however.

"The alternative proposal that was put in front of the committee today is the worst consumer lending proposal I've heard in 10 years," Nick Bourke, director of consumer finance with the Pew Charitable Trusts, said after the meeting. "It would be catastrophic."

Proponents of the measure urged passage of the House's version with no changes.

"HB 123 reflects the realities of the marketplace, evolving technology, and the experience of lenders and consumers both here in Ohio and across the nation," Mr. Dann said. "I know it has not been easy to arrive at the point at which enactment of this much-needed legislation is within reach. The journey was made perilous and at some points seemed impossible thanks to roadblocks erected by the finance companies, lenders, and lobbyists who devoted themselves to maintaining the status quo that generates the industry's mammoth profits."

Cherish Cronmiller, president and CEO of Miami Valley Community Action Partnership, said Colorado's similar regulations have not decimated the industry there.

"I was in Colorado less than a year ago meeting with other Community Action Agencies, and I can assure you, there are still plenty of payday lenders in business there," she said.

Committee members also heard from Ted Saunders, chairman and CEO of Community Choice Financial and president of the Ohio Consumer Lenders Association, who pushed for rate caps but was also critical of some elements of Sen. Huffman's proposal.

He opposed a database to track loans, saying it would add cost and reduce privacy.

"What I would ask, as we approach the public policy, let's put guardrails," he said. "Let's cap the rates. Let's put a payment plan in. Let's put an off-ramp for people who have found themselves in a position where they are unable to meet their obligations. I don't want to work with you to design a product. I want to work with you to protect the marketplace."

OCLA supports killing "payday lending" by eliminating short-term, two-week loans, and instead the organization supports an installment payment loan with a straightforward fee, he said.

He told members of the committee that his stores typically require borrowers to pay back \$800 to \$900 for a \$500 loan over four payments.

Sen. Charleta B. Tavares (D-Columbus) asked how people would be able to pay back \$900 over four payments if they didn't have the \$500 they needed in the first place. "How is it that somehow miraculously they're going to have more money?" she said.

Mr. Saunders said such a repayment is often preferable to paying \$1,000 or more in late fees, disconnection fees and other charges that come with failing to pay bills.

Education Overhaul Bill With Added E-School Reforms Clears Committee, Set For Finalizing

The House Education & Career Readiness Committee on Tuesday reported a bill that makes dozens of changes to the state's K-12 education system in a party-line vote after tacking on new regulations for online schools, a study of district takeovers by the state and other provisions.

The measure (SB 216), which the Senate passed unanimously in March, faced an impasse for several weeks in the House after four Republicans joined the panel's Democrats to block the tabling of an amendment to halt

additional stake takeovers. (See [Gongwer Ohio Report, May 23, 2018](#))

The committee broke the impasse by accepting a different amendment that requires the state superintendent of public instruction to review "all policies and procedures regarding academic distress commissions," which oversee the takeovers, and submit a report on the topic to the legislature by next May. The panel voted 11-8 to accept the amendment, with [Rep. Jim Butler](#) (R-Oakwood) and [Rep. Nathan Manning](#) (R-N. Ridgeville) joining with the Democrats in opposition.

[Rep. Kent Smith](#) (D-Euclid), who offered the original takeover amendment, said he likely would be in favor of the compromise amendment had it not blocked his original proposal.

"(The proposed moratorium) continues to have bipartisan support," he said. "I'm just disappointed that it's not enough in the current makeup of this committee to, in fact, stop these academic distress commissions."

Democrats cited Rep. Smith's blocked amendment and other last-minute changes to the bill for their decisions to vote against the measure.

[Rep. Robert Cupp](#) (R-Lima) said his Democratic colleagues were ignoring all the good that the legislation will do by lining up against it.

"Rarely do you find the perfect bill that does all the things that you want," he said.

The committee split along party lines to accept an amendment requiring the superintendent of public instruction to submit recommended definitions regarding what constitutes educational activity and participation at e-schools to the Joint Education Oversight Committee. The provision was among several contained in the [amendment](#) inspired by another measure ([HB 707](#)) introduced last week in the House.

[Speaker Ryan Smith](#) (R-Bidwell) previously said he wanted e-school reforms to pass the House ahead of summer recess, leading lawmakers to seek out a home for provisions from HB707. (See [Gongwer Ohio Report, June 25, 2018](#))

Another [amendment](#) shielding charter schools that took in a set percentage of displaced Electronic Classroom of Tomorrow students from certain accountability measures also was accepted along party lines.

Other amendments accepted by the panel would:

- Remove a provision requiring students participating in the College Credit Plus program to cover a portion of the cost of textbooks.
- Set guidelines for requests for information between JEOC and ODE.
- Prohibit ODE or the state auditor from requiring school boards to submit five-year financial projections before Nov. 30.

[Rep. Teresa Fedor](#) (D-Toledo) said a bill that started off as an effort to aid public school districts shed unnecessary regulations ended up as a "charter school Christmas tree present" because of the committee's amendments. She said she also considered it premature to add provisions from HB707 to the measure without allowing the public to comment on them.

"We need to have some vetting," she said.

Chairman [Rep. Andy Brenner](#) (R-Powell) rejected the idea that the e-school provisions were rushed and said he was surprised the committee's Democrats did not support them.

"A lot of these recommendations came from Auditor (Dave) Yost when it comes to e-schools and he's been working on them for two years," he said.

Rep. Brenner said the provision shielding charter schools from potential consequences after taking on ECOT students would be necessary and would be limited to a "handful" of eligible schools.

"Nobody would have accepted the students," without the protections, he said.

The panel also rejected multiple Democratic amendments, including one offered by Rep. Tavia Galonski (D-Akron) that would extend eased graduation standards put in place for the class of 2018 for the next two years. The lawmaker previously said a lack of a clear signal from the state has left parents, students and teachers in the dark ahead of the next school year. (See Gongwer Ohio Report, May 31, 2018)

The committee tabled the measure despite Rep. Hood and Rep. Manning again breaking with their colleagues to vote with the Democrats.

Rep. Brenner said districts now do have a clear signal from the state that the eased requirements will not remain in place.

"School districts now going forward will know that next school year they need to step it up an extra notch, but I think they were already doing it," he said.

The chairman did not allow further testimony on the bill but several parties submitted written statements.

**Subscribers Note:** Full testimony is available on the committee's website under June 26.

Lake Erie Bill Picks Up Disaster Funding, OhioCorps Provisions On Way To House Vote

Legislation to fund new anti-algal bloom efforts picked up a host of amendments - including language boosting disaster funding for 18 counties - before advancing out of a House committee Tuesday.

Now the plan (SB 299) from Sen. Randy Gardner (R-Bowling Green) and Sen. Sean O'Brien (D-Bazetta) is eyed for a Wednesday floor vote, which would kick the bill to the Senate where House companion legislation (HB 643) is already awaiting committee action.

One of the changes in the substitute accepted by the House Finance Committee Tuesday harmonizes the legislation's water improvement language with that of the prior House bill authored by Rep. Steven Arndt (R-Port Clinton) and Rep. John Patterson (D-Jefferson).

In doing so, the substitute version caps at 40% the \$20 million appropriation that can be used on a single project under new funding for the Soil and Water Phosphorus Program.

But the measure picked up several other changes, including a \$7.1 million appropriation to cover a local match for federal funding to 18 counties following President Donald Trump's disaster declaration stemming from largescale flooding in February along the Ohio River. (See Gongwer Ohio Report, April 17, 2018)

Rep. Jack Cera (D-Bellaire), who had previously advocated for that approach, applauded the addition.

"Paying the \$7,165,500 takes a significant financial burden off the backs of local governments throughout eastern Ohio," Rep. Cera said. "Now local governments will not have to be responsible for any of the local match needed to pull down FEMA dollars."

Also tacked onto the measure is language from a separate bill (HB 508) to establish the OhioCorps pilot program to the tune of \$2.5 million. That former measure passed the House in April and received its first Senate hearing Tuesday. (See Gongwer Ohio Report, April 11, 2018)

Other modifications include the addition of:

- \$1 million in Broadband Development Grants to fund data collection and analysis regarding deployment, conduct on the ground testing, create annual state and county maps, and engage in local technology planning.
- \$1.5 million for FY 2019 to the National Guard Scholarship, which is currently underfunded.
- \$740,000 in supplemental payments for public safety services in townships experiencing a 30% or more reduction in taxable value due to nuclear power plants to be phased out over a 10 year period.
- \$50,000 transferred from the Child Focus Opiate Addiction Supervised Visitation Facility at Batavia and directed instead to the Kelley Nature Preserve Boat Ramp.

The legislation has principally been an effort to curb algal bloom activity in Lake Erie through new funding streams aimed at identifying best practices, although some have called for a more aggressive crack down on phosphorus and farm runoff.

Peter Bucher, water resources director for the Ohio Environmental Council Action Fund, called it a "well-rounded, short-term approach" to the problem in written testimony.

"Much more will need to be done in the coming months to truly set Ohio on track to meet our phosphorus reduction goals and rid Lake Erie of its impairment status," he wrote. "We are hopeful SB299 can be a building block for such action."

#### 'Pastor Protection' Bill Heads To Floor Over LGBT Discrimination Concerns

Democratic concerns over potential discrimination and the legislative process weren't enough to keep a House committee from advancing legislation stating faith leaders and societies can't be forced to solemnize marriages outside their beliefs.

The House Community & Family Advancement Committee voted 8-4 Tuesday to report the bill ([HB 36](#)) sponsored by Rep. Nino Vitale (R-Urbana), keeping it on track for a chamber floor vote Wednesday.

[Rep. Janine Boyd](#) (D-Cleveland Hts.), [Rep. John Barnes](#) (D-Cleveland), [Rep. Stephanie Howse](#) (D-Cleveland) and [Rep. Michael Sheehy](#) (D-Oregon) voted against the measure, which they say is redundant since the constitution currently protects those faith leaders from retribution.

"This protection for clergy already exists," said Rep. Boyd, the panel's ranking minority party member. "This is repetitive. Including venues and societies is exactly what looks to be aiming to infringe upon the liberties and privileges of our LGBTQ citizens."

But Rep. Vitale said the hours of testimony the committee received last year shows that supporters see a need for the legislation.

"This bill does not aim to take anyone's rights away from them," Rep. Vitale said. "The reason for this bill is simply that those 70 people and many others felt something needs to be put into statute so they have that protection."

There were no witnesses during the measure's fourth hearing - a fact criticized by Democrats who questioned how abruptly the meeting came together. The committee hearing was scheduled a little more than 24 hours prior to the meeting and the last hearing the group had on the subject was more than a year ago - in February 2017. (See [Gongwer Ohio Report, February 21, 2017](#))

"It's concerning it's been over a year and we're suddenly in a place of voting it out of committee and without any witnesses for or against," Rep. Boyd said.

She did, however, thank Chairman Rep. Tim Ginter (R-Salem) for reaching out to her prior to scheduling the meeting with a heads-up. And the chairman opened the floor for any member who wished to speak his or her piece before the vote.

Regarding the timeline, Rep. Ginter said in an interview that House Speaker Ryan Smith (R-Bidwell) phoned him over the weekend and expressed a desire for the legislation to advance.

"There are bills as he reexamines bills that have been in the chute for a long time," Rep. Ginter said. "There are some bills he felt should be moved forward at this time and this happened to be one of those bills."

Rep. Ginter also expressed skepticism the measure might engender discrimination.

"I do not think that this is a bill that is moving the needle against LGBTQ rights whatsoever," he said. "It's just helping to clarify I think in the minds of individuals where their liberties and freedoms are."

Rep. Sheehy called the bill unnecessary and Rep. Howse questioned the sponsor on how many incidents have occurred over the last year - or ever in Ohio - that demonstrate a need for the bill.

"Thankfully there has not been one," Rep. Vitale replied.

Rep. Ron Young (R-Leroy) opined that it's important the faith community sees lawmakers endorsing existing protections. "This bill helps assure those folks...(they) are going to go on existing and there is protection there," he said.

Similar legislation was introduced last session (HB286, 131st General Assembly) but failed to emerge from committee.

#### Democratic Proposal To Exempt Feminine Hygiene Products From Sales Tax Advances In House

Minority Democrats scored a rare victory in committee Tuesday with an amendment to sales tax legislation that exempts feminine hygiene products from taxation.

The bill on the timing of retailers' sales tax remittance (HB 545) was subsequently reported from the House Ways & Means Committee on a unanimous vote. However, it appears that supporters of the exemption will have to wait until the fall for further action as it was not set for a full House vote Wednesday, which is expected to be the last full session day prior to the summer recess.

Rep. Michael Henne (R-Clayton) offered up the amendment, which was adopted without objection. The language mirrors legislation (HB 61) sponsored by Rep. Brigid Kelly (D-Cincinnati) and former Rep. Greta Johnson of Akron.

"These are things that are not a choice," Rep. Henne said. "These are necessary products."

Rep. John Rogers (D-Mentor-on-the-Lake), thanked majority Republicans for including the amendment, which he said is especially helpful to low-income Ohioans who might push the envelope on the use of such products and face potential health hazards.

Rep. Kelly said in an interview she was excited to see the amendment advance.

"It's good policy. I'm pleased there seems to be a path forward for it," she said.

The proposal has been around for the last couple of General Assemblies but has stalled despite its relatively low projected tax impact. The Legislative Service Commission estimates that it would result in as much as a \$4 million annual reduction to the State General Revenue Fund and another \$1 million cut for local government entities.

The exemption gained broad support during committee hearings. During testimony last year, lawmakers were told that 12 other states have enacted similar exemptions. (See [Gongwer Ohio Report, May 2, 2017](#))

### Panel Moves Bill Allowing Off-Duty Peace Officers To Carry Firearms In Restricted Areas

A proposal expanding law enforcement officers' ability to carry weapons while off duty moved forward in the legislative process Tuesday, but not before members blocked a Democratic amendment that is likely to be the subject of further discussions.

Members of the House Federalism & Interstate Relations Committee tabled the amendment offered by Rep. [David Leland](#) (D-Columbus) after Chairwoman Rep. [Kristina Roegner](#) (R-Hudson) said she would be willing to work over the summer to try and address the issues he raised with his proposal.

The proposed amendment to the legislation ([SB 208](#)), Rep. Leland said, is designed to protect private property rights.

"What we are basically doing in this legislation is we are violating people's private property rights," he said.

Rep. Leland's proposal would have required law enforcement agencies to provide permission for their officers to carry while off-duty and provided the agency with the same liability for an off-duty officer as for one on duty.

Rep. Roegner said the amendment was received at about 7 p.m. Monday. She vowed to work with Rep. Leland on potential changes.

Before the bill cleared committee in a 9-1 vote, with Rep. Leland opposed, members heard testimony from Brian Steel, testifying on behalf of the Fraternal Order of Police of Ohio.

He said the measure comes with certain restrictions, including when consuming alcohol, when in a courthouse and where prohibited under federal law.

Mr. Steel also detailed the extensive training peace officers have to go through to be able to carry a firearm. That includes 60 hours of firearms training, he said.

"Unfortunately, this change in Ohio law has been made necessary by the growing threat of violence against police officers and brazen attacks on soft civilian targets by mass shooters," he said. "The number of ambushes on officers continues to rise nationwide, and the anti-police groups are now actively searching out officers' homes and laying siege to them. Nationwide off-duty officers have ended mass shootings in shopping malls and intervened in scores of crimes in progress."

Village of Evendale police officer Marc Terhar in written proponent testimony also raised the specter of mass shootings, especially in areas in which guns are not allowed.

"The bad in society seek out what are commonly referred to as 'soft targets,'" he said. "We do not see mass shootings where the intended victims possess the means to fight back."

Mr. Terhar also said the legislation will allow officers to better protect themselves.

"I have run into people who recognized me instantly while off duty as the 'guy who put them in jail,'" he said. "It's not uncommon for those people to hold a dangerous grudge. Knowing that, it's unconscionable to tell those who willingly put their family's safety at risk for society to tell them that they cannot have the ability to protect them in public."

Dublin Police Chief Heinz von Eckartsberg, chair of the legislative committee for the Ohio Association of Chiefs of Police, in written testimony also praised the legislation.



"It does not make sense that current law prohibits the very officers that are sworn to protect the public when on duty, from being able to do the same thing when they are off duty," he wrote. "There are many unfortunate examples in recent history of active shooter situations where, if a trained and armed law enforcement officer had been present, lives may have been saved. This bill will put those very officers in a position to be able to protect the public even when off duty."

Theodore Owens, vice president of investigations for the Ohio Association of Security & Investigations Services, also provided written proponent testimony.

#### Attorneys Question Cybersecurity Safe Harbor Bill

Multiple lawyers, including former Attorney General Marc Dann, expressed concerns Tuesday that legislation aimed at encouraging companies to enact stronger cybersecurity protections would do little to prevent future data breaches.

The comments came during the House Government Accountability and Oversight Committee's fifth hearing on the measure (SB 220), which would create a safe harbor for eligible businesses that implement measures to protect consumer data. While the panel did not move the measure forward, it did accept a substitute version of the legislation reflecting changes suggested by Scotts Miracle-Gro and others.

Attorney Curtis Fifner, a member of the Ohio Association for Justice, said the measure could negatively affect the state's consumers.

"This is a first-of-its-kind legislation, not enacted by any other state, so we don't know what the outcomes will be," he said in prepared testimony. "However, we do know that the bill would be a significant impediment to recovery for consumers and small businesses who suffer real damages. And we believe the bill will not make a difference in the number of companies that implement cybersecurity protections."

Mr. Dann, who spoke as a representative for the National Association of Consumer Bankruptcy Attorneys and the National Association of Consumer Advocates, offered multiple suggestions for improving the legislation.

References to companies "reasonably" conforming to cybersecurity frameworks within the law could be changed to "actually" conforming in order to clarify the measure, he said.

The former attorney general said the committee could make the bill "more palatable" by adding a provision that would allow people affected by data breaches the ability to request the AG's office file a claim against the responsible party.

"Should the AG choose not to bring action within 60 or 120 days of the request, that individual may bring such a claim on behalf of the State of Ohio under existing law for the benefit of himself or herself and other similarly situated consumers," he said.

He said the state would then split the recovery with the people affected by the breach under his plan.

"It is a win, win and would make the creation of the affirmative defense in SB 220 make much more sense. The state receives additional revenue without having to spend a dime to police this growing problem," he said.

Rep. Dorothy Pelanda (R-Marysville) asked Mr. Dann if he had approached the attorney general's office about the idea. Mr. Dann answered that he could not see why the office would oppose the suggestion.

Kimberly Murnieks, chief operating officer for the attorney general's office, said businesses will not benefit from the legislation unless they enact a "comprehensive cybersecurity program."

"It's a proactive measure to encourage businesses to invest (in cybersecurity)," she said, adding that the safe harbor provision is not "an absolute shield."

Asked by Rep. Brigid Kelly (D-Cincinnati) if other states' approaches to business cybersecurity were considered, Ms. Murnieks said Ohio has taken a "different approach" because it intends to use the legislation to spur additional private investment in data protection.

Attorney Mark Abramowitz, whose firm is co-leading a suit against Equifax in response to a 2017 data breach, said the measure will not reduce the frequency of such breaches. Instead, he said it will "increase the cost of litigation, and ask federal and state court judges to become experts in data privacy and cryptology at the motion-to-dismiss stage of litigation."

Rep. Kelly asked Mr. Abramowitz whether the measure incentivizes companies to offer bare minimum cybersecurity protections.

Mr. Abramowitz said offering potential immunity to companies could lead to them "racing to the bottom"

"Why would you do more when you could do less?" he said.

Lewis Dolezal, counsel for Scotts Miracle-Gro, offered testimony in favor of the measure on behalf the business and the Ohio Manufacturers' Association.

"As a well-known and respected consumer products company, I can tell you that protecting personal information is one of the highest priorities of our organization," he said. "SB220 not only offers a unique incentive to companies willing to commit to a framework of security standards and maintain ongoing compliance, it also provides benefits to be shared by those companies invested in cyber security and the individuals that expect reasonable security in their transactions when providing personal information or using connected products that acquire this type of information."

At the request of Chairman Rep. Louis Blessing (R-Cincinnati), Mr. Dolezal also detailed in his testimony changes, including multiple tweaks to definitions and technical revisions, that were incorporated into the substitute bill.

Rep. Kathleen Clyde (D-Kent) asked Mr. Dolezal where those updates originated.

"This is a little unusual to have this coming from outside," she said.

Mr. Dolezal said the changes discussed in his testimony originated with Scotts, adding they have been circulated among other interested parties.

"We feel that the changes we've proposed are well supported," he said.

#### Dispute Over Municipal Water Services Bill Continues

The City of Columbus and other municipalities remain at odds with Rep. Mike Duffey and proponents of his legislation to inhibit subdivisions from charging customers residing outside their boundaries more for service.

The Worthington Republican questioned Richard Westerfield, administrator of the Columbus Department of Public Utilities Division of Water, at length Tuesday about the city's practices and the basis for which it charges outside customers 1.4-1.6 times as much as that of city residents.

The Q&A took place before the House Finance Committee during the measure's third hearing. But with the chamber poised to break this week for recess, it's likely no resolution on the diverging viewpoints will be reached anytime soon.

Mr. Westerfield, for his part, said the city's charges are among industry norms and based on cost of service as well as the additional risk those consumers pose to the system should they default.

"HB 602 is a direct attack on the longstanding and very successful model for economic development and growth in central Ohio that has made central Ohio an engine of economic growth for the entire state," Mr. Westerfield said. "HB602 also amounts to an unconstitutional interference with Columbus' municipal utility power under Article XVIII of the Ohio Constitution."

Rep. Duffey, though, questioned that premise. And he cited instances in which Columbus has not required annexing but instead pursued an income tax sharing agreement with a municipality in exchange for services. Other than water, what services does the city offer, Rep. Duffey asked, that would warrant such a tax arrangement?

Mr. Westerfield said the specifics would be spelled out in each agreement but acknowledged that police, fire, EMS and trash services are not provided by the city to those outside communities.

The witness further told Rep. Adam Miller (D-Columbus) the legislation would hinder ongoing collaboration between the city and Franklin County. And he told Rep. Jim Butler (R-Oakwood) that he takes no solace in a provision enabling municipalities to charge "reasonable" service costs because reasonability will be left up to legal interpretation.

Municipalities and their allies have voiced repeated concerns about the bill, which was initially a budget amendment that was vetoed by Gov. John Kasich. (See Gongwer Ohio Report, June 30, 2017) Rep. Duffey has argued cities regularly charge township residents more than other residents and in some cases withhold water and sewer services in order to force annexation.

Proponent George Helbling described what he sees as an "urgent need" to standardize the process. The ability for political subdivisions to make their own rules, he opined, "has led to abuse and preferential treatment."

"I currently serve on a local Board of Public Affairs in Muskingum County and I am involved with the development of apartment complexes in other counties," Mr. Helbling said. "I have personally seen city and village councils, mayors and board members use the extension of public water and sewer systems to deny proposed development, to require unwanted annexation and to arbitrarily raise revenues."

But other witnesses sounding their opposition criticized the legislative effort as an attempt to strip municipalities from research and data analysis resources should they violate the proposed law.

"Municipalities do not arbitrarily set rates for extending water and sewer services to townships," wrote Kent Scarrett, executive director for the Ohio Municipal League, in written testimony. "Were HB 602 implemented, municipalities would be penalized not only in a reduction of Local Government Funds, but by being rendered ineligible for state water and sewer funds."

Several other witnesses submitted written opponent testimony, including the City of Dayton, the Ohio Mayors Alliance, the Association of Ohio Metropolitan Wastewater Agencies, and American Municipal Power and the Ohio Municipal Electric Association.

**Subscribers Note:** For full testimony see the committee's website under June 26.

### More Changes Made To Senate Submetering Bill As Consumers' Counsel Drops Opposition

The chairman of the Senate Public Utilities Committee on Tuesday pledged to continue to work to fix technical issues with legislation aimed at regulating utility resellers before moving the measure forward.

That follows the adoption of a substitute bill Tuesday - the latest of several substitute versions accepted by the panel over the last year to the legislation (SB 157) that seeks to reign in resellers who serve as landlords and mark up the cost for their tenants' utility services. (See Gongwer Ohio Report, January 18, 2018)

Chairman Sen. Bill Beagle (R-Tipp City) offered the changes on behalf of the measure's (SB 157) sponsor, Sen. Kevin Bacon (R-Minerva Park). The changes were enough to coax a major opponent of the legislation, the Ohio

Consumers' Counsel, onto the proponent side.

The chairman said the measure's "four overarching concepts" are:

- The Public Utilities Commission would have oversight of such companies.
- PUCO would have rulemaking authority "to protect residential customers" who are served by such companies.
- No company could charge above the "standard service offer" set by PUCO.
- The law would cover electricity, gas, water and sewer.

Sen. Beagle said fines also would be charged to companies caught violating submetering regulations, adding that lawmakers and interested parties still need to work on some details within the legislation.

"I think conversations are going to continue in the coming weeks and months to finalize the substitute bill," he said.

Consumers' Counsel Bruce Weston, who has previously opposed the bill and backed a House proposal ([HB 249](#)) that resellers are loathe to accept, praised the revised bill and alluded to further changes he believes will better protect customers.

"There is significant progress underway toward a legislative solution that will provide real protections for Ohio consumers," Mr. Weston said. "Those protections include giving the PUCO clear authority to regulate resellers in the public interest, such as by promulgating rules needed for consumer protection. The protections also include establishing limits on submetering charges. And the protections include giving remedies to consumers in the event of noncompliances by resellers, among other protections."

Witnesses representing utility resellers - who have previously backed the Senate bill they feel is more industry friendly - offered support for the direction the bill is heading.

Tre Giller, president and CEO of American Power and Light, said despite some technical issues with the legislation, he thinks the measure is on the right path. He said the industry does not have a problem with "common sense regulation" including PUCO oversight.

"I think that's a good step," he said. "I think that's a step as an industry we understand."

James Dunn, general counsel for Nationwide Energy Partners, said for years the firm has been "advocating for regulations that would ensure consumer protections while allowing for property owners to make decisions regarding how their property is managed."

"We believe that progress has been made in accomplishing this goal," he said.

Andy Emerson, who spoke on behalf of submetering firm Guardian Water and Power, said the committee needs to take care to differentiate between submetering companies and utility resellers. He said submetering companies track utility consumption and assign costs to residential complex tenants for "a competitively derived administrative fee" without marking up the actual utilities provided.

"What submetering is not is reselling any electricity," he said.

Dave Robinson, who spoke on behalf of the Utility Management and Conservation Association, said 'traditional' submetering firms represented by the group should not be a target of the measure.

"We don't think the Public Utilities Commission should be regulating our members," he said. "Our members are not utilities. They are, in essence, a vendor for a landlord."

Mr. Robinson said his group would like to see "a positive affirmation in the Revised Code that says traditional submetering, which we say is actual cost plus a reasonable administrative fee, is permitted in the state of Ohio."

Sen. Beagle said the concerns of groups will be taken into consideration as lawmakers continue to work to finalize the measure.

"I don't think that is ... our desire to affect traditional submeterers," he said.

### Senate Hears Pros, Cons Of Proposed Property Value Challenge Changes

Senators reviewing a bill to impose new requirements on governments that challenge private property values heard variously Tuesday that it's unnecessary and burdensome for local entities, or a prudent approach to improve transparency and fairness for owners.

As such, the debate over HB 343 before the Senate Ways & Means Committee largely echoed opinions aired in the House, which advanced the bill along party lines.

Among those testifying in support Tuesday was the Ohio Chamber of Commerce, as Jeff McClain, the group's director of Tax and Economic Policy, echoed sponsor Rep. Derek Merrin's (R-Monclove) call for updating the Board of Revision process. He said it in part targets the practice - which opponents argue is extremely rare - of governments giving full rein to their tax attorneys for the purpose of challenging valuations for tax revenue purposes.

"What this bill is attempting to change is the ease with which some governmental entities are casting a wide net in the hope that they can catch a few big fish," Mr. McClain said in testimony. "This issue is for the most part one much more likely to be active in the suburban areas around the major cities along with the cities themselves."

The witness disputed arguments that the proposal would cause undue problems for school boards and other entities.

"I believe that before proceeding with an action that would greatly impact their taxpayers, it's not asking much for the council, commission or board to take a few minutes time to discuss whether it is appropriate," Mr. McClain said.

Chairman Sen. John Eklund (R-Chardon) questioned the timing of some of the requirements in the bill and how it would mesh with the business schedule for school boards, saying he was "mildly concerned" how they would work during times of the year when the boards may not be as active.

Mr. McClain said it would allow local boards "an appropriate amount of time" given the schedule of valuation announcements by county auditors.

Sen. Cecil Thomas (D-Cincinnati) asked whether it brings too much politics into decisions on whether or not to challenge a property value.

Mr. McClain said that issue came up in interested party meetings. His response, he said: "School board members run for election. There's politics involved in everything."

On the other side of the debate are Ohio's statewide education associations, which testified in opposition as a group led by Barbara Shaner, who represents the Ohio Association of School Business Officials.

Ms. Shaner called the notice requirements in the bill redundant since BORs already have such a process in place. Requiring boards to pass resolutions on challenges politicizes the process, she added.

"The new mandates in Sub. HB 343 appear to discourage Boards of Education from accessing the BOR process. This result will be unfortunate not only for school districts, but also for the residential and commercial property

owners whose values are accurate," she said. That's because under state law, reductions in property taxes for businesses and individuals must be offset by increases on other property owners.

The groups offered some alternative approaches to address "perceived abuses in the BOR process," prompting the chairman to thank them for not just opposing the bill without offering suggestions. Ms. Shaner said their proposals were also presented in the House.

Dan Acton, government affairs director for the Ohio Real Estate Investors Association, said the bill would be beneficial to his members, who operate on thin profit margins.

"The increase in property tax is directly related to a reduction in overall resources available to an owner for a property," he said. "We see this bill as the continuation of allowing a counter-complaint process for both parties, but it gives the property owner, the individual with the most direct stake in the assessed value, notice that an entity is seeking an increase in property taxation not of their own initiation."

Other groups expressing support for the measure included the Council on State Taxation, the Ohio Manufactured Homes Association and the Ohio Apartment Association.

Several school districts and government groups expressed opposition in person and in written testimony.

Jeff Dornbusch, treasurer of Port Clinton City Schools, said the bill appears to be an attempt to "limit a school's ability to challenge property values when there is a discrepancy between the current auditor's value and the current market value" and "create new regulations and unnecessary additional burdens for the same purpose."

The witness said his district set a standard of a \$75,000 difference in values before proceeding with a challenge. Chairman Eklund asked for a copy of the policy to share with the committee.

Mr. Dornbusch said the proposal comes as his district as lost more than \$2 million in funding over the last decade due to the loss of tangible personal property tax revenue. He also raised the specter of unnecessarily politicizing the process.

Other groups that relayed concerns in writing included the County Commissioners Association of Ohio, the Ohio Township Association, Cleveland and Akron schools and the Coalition for Fair Taxation.

**Subscribers Note:** Full testimony is available on the [committee's website](#) under June 26.

## Nation's High Court Upholds Muslim Ban, Strikes Down California Law On Speech In Crisis Pregnancy Centers

The U.S. Supreme Court on Tuesday issued two major decisions, one involving President Donald Trump's travel ban and the other revolving around a California law regulating crisis pregnancy centers.

Both cases were decided in 5-4 rulings along ideological lines.

In the travel ban case, the majority of the court sided with the president, finding he has statutory authority to prevent citizens of several Muslim-majority countries from traveling to the United States.

The majority also largely overlooked previous statements by the then-candidate in which he telegraphed his intent to enact a "Muslim ban" if elected.

"But the issue before us is not whether to denounce the statements," Chief Justice John Roberts wrote for the court's majority. "It is instead the significance of those statements in reviewing a presidential directive, neutral on its face, addressing a matter within the core of executive responsibility. In doing so, we must consider not only the statements of a particular president, but also the authority of the presidency itself."

Justice Clarence Thomas, Justice Samuel Alito, Justice Neil Gorsuch and Justice Anthony Kennedy joined the opinion. In a concurring opinion of his own, Justice Kennedy chided the president's anti-Muslim rhetoric.

"The First Amendment prohibits the establishment of religion and promises the free exercise of religion. From these safeguards, and from the guarantee of freedom of speech, it follows there is freedom of belief and expression," he wrote.

"It is an urgent necessity that officials adhere to these constitutional guarantees and mandates in all their actions, even in the sphere of foreign affairs. An anxious world must know that our government remains committed always to the liberties the Constitution seeks to preserve and protect, so that freedom extends outward, and lasts."

In a concurring opinion of his own, Justice Thomas expressed skepticism of district courts' ability to issue universal injunctions.

The court's ruling was cheered by Rep. Bill Johnson (R-Marietta), who in a statement called it "a win for our Constitution, the rule of law, and America's national security."

"Today's decision is a win for President Trump," he said. "But, much more importantly, it sets the proper precedent for future presidents who will certainly be faced with similar dilemmas in the future."

In a blistering dissent joined by Justice Ruth Bader Ginsburg, Justice Sonia Sotomayor compared the ruling to the court's 1944 decision upholding the constitutionality of internment camps for Japanese-Americans during World War II.

"By blindly accepting the government's misguided invitation to sanction a discriminatory policy motivated by animosity toward a disfavored group, all in the name of a superficial claim of national security, the court redeploys the same dangerous logic underlying *Korematsu* and merely replaces one 'gravely wrong' decision with another," she wrote.

In a separate dissenting opinion joined by Justice Elena Kagan, Justice Stephen Breyer found antireligious bias in the president's statements as a rationale for striking the ban down on First Amendment grounds.

**Pregnancy Centers:** The other decision strikes down a California law requiring crisis pregnancy centers to tell clients about the availability of an abortion.

Writing for the majority, Justice Thomas found the law to be in violation of the First Amendment.

"It targets speakers, not speech, and imposes an unduly burdensome disclosure requirement that will chill their protected speech," he wrote in the decision joined by Chief Justice Robert, Justice Alito, Justice Kennedy and Justice Gorsuch.

Justice Breyer wrote the dissent for the court's liberal bloc, finding the court has upheld similar speech requirements when it comes to doctors treating women seeking an abortion.

"If a state can lawfully require a doctor to tell a woman seeking an abortion about adoption services, why should it not be able, as here, to require a medical counselor to tell a woman seeking prenatal care or other reproductive healthcare about childbirth and abortion services?" he asked.

He was joined in his dissent by Justice Ginsburg, Justice Kagan and Justice Sotomayor.

NARAL Pro-Choice Ohio Executive Director Kellie Copeland in a statement lamented the ruling, noting that crisis pregnancy centers in Ohio received \$1 million in the most recent biennial budget.

"Fake women's health centers, sometimes referred to as crisis pregnancy centers, purport to offer pregnancy-related health care and medical services but instead push an anti-choice agenda," she said. "They give women



medically inaccurate information. They use deceptive advertising, running misleading websites, and engaging in a variety of other dishonest tactics to lure women seeking care and information about their full range of health care options into visiting these facilities."

Ohio Right to Life, however, said the court made the right decision.

"Pro-life pregnancy centers deserve the same free speech rights as any other organization," President Mike Gonidakis said in a statement. "The narrow 5-4 margins remind us that there is a minority of people in this country who would very much like to restrict the speech of people they disagree with. Today's decision is a huge win for free speech and the pro-life movement."

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### Supplemental Agency Calendar


## Thursday, June 28

**Elections Commission, Rm. East B., 31st Fl., 77 S. High St., Columbus, 10 a.m.**

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Columbus Ohio 43215

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7/23/2018

Gmail - Ohio Report, Wednesday, June 27, 2018



Sarah LaTourette Kayser <latoursm@gmail.com>

## Ohio Report, Wednesday, June 27, 2018

1 message

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## OHIO REPORT WEDNESDAY, JUNE 27

Lake Erie, Voting Machine Funding Among Bills Headed To Governor

Bills On Religion, Pharmacy Benefit Managers Among Dozens Backed By House

Senate Passes Measures Focused On Reducing Regulations

Bills Amended To Enhance Online School Oversight Head To Governor

Senate Panel Delays Vote On Energy Standards, Wind Setback Bill

Proposed Regulations Inspired By State Fair Ride Death Get Initial Hearing

**High Court Strikes Down 'Agency Fees' For Public Sector Unions;  
Kennedy Announces Retirement**

**Chairman: Senate Looking For Balance With Payday Lending Measure**

**Prosecutors Praise Beefed Up Parole Monitoring Bill**

**Senate Releases Session Calendar**

**Governor's Appointments**

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**Finance**

**Transportation, Commerce & Workforce**

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**Government Accountability & Oversight**

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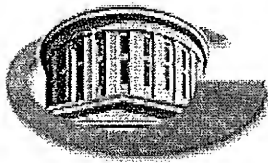
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## Senate Activity for Wednesday, June 27, 2018

### INTRODUCED

**SB COLLEGE APPLICATION MONTH** (Schiavoni, J.) To establish the College Application Month **313** program. Am. 3314.03, 3326.11, and 3328.24 and to enact sections 3313.6024 and 3333.301.

**SB SCHOOL PSYCHOLOGISTS** (Schiavoni, J.) With regard to mental health services in public and **314** nonpublic schools, to require school districts to employ school psychologists and intervention specialists, to provide an additional state payment to school districts for school psychologist and intervention specialist services, and to make an appropriation. Am. sections 3314.03 and 3326.11 and to enact sections 3301.0730, 3317.26, 3319.077, and 3319.078 of the Revised Code and to amend Section 265.10 of Am. Sub. H.B. 49 of the 132nd General Assembly and Section 265.210 of Am. Sub. H.B. 49 of the 132nd General Assembly, as subsequently amended.

### PASSED

**HB SPECIAL ELECTIONS** (Pelanda, D., Retherford, W.) to eliminate the requirement of holding a special **18** election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances; to authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers, to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices; and to require that, upon request, county auditors, municipal fiscal officers, and their employees must share lodging tax return information with the directors of convention and visitors' bureaus operating in their counties.

(32-0 (Earlier REPORTED-SUBSTITUTE))

Gongwer Coverage

**HB COMMUNITY SCHOOLS** (Roegner, K.) Regarding public moneys returned to the state as a result of a **87** finding for recovery issued pursuant to an audit of the enrollment records of a community school, to clarify the time period within which a school district emergency levy or substitute levy may be renewed or replaced, to clarify the responsibilities of a school district treasurer regarding the signing or executing of certain documents, to require the State Board of Education to adopt standards for learning management software for internet- and computer-based community schools, regarding qualification for state payments by internet- or computer-based community schools, regarding joint health and medical insurance programs by political subdivisions and county boards of developmental disabilities, regarding submission of five-year financial forecasts by public schools, and regarding the moratorium on certain provisions affecting community schools and school districts whose enrollments were affected due to enrolling students of a suspended e-school.

32-0 (Schiavoni & Skindell) Earlier REPORTED-AMENDED

Gongwer Coverage

**HB DISTRACTED DRIVING** (Hughes, J., Seitz, B.) To establish an enhanced penalty for committing a

**95** ■ moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import.

31-1 (Jordan)

Gongwer Coverage

**HB** **CEMETERY REGISTRATION** (Stein, D.) To modify duties of the Division of Real Estate in the **168** Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, to allow the Board of Embalmers and Funeral Directors to review and vote upon certain license suspensions by telephone, to make various other changes to the embalmers, funeral directors, and crematory licensing laws, and to make an appropriation.

32-0

Gongwer Coverage

**HB** **OUTDOOR DINING AREAS** (Lanese, L.) To generally allow an owner, keeper, or harbinger of a dog to **263** take the dog in an outdoor dining area of a retail food establishment or food service operation.

32-0

Gongwer Coverage

**HB** **POLITICAL SUBDIVISION SPENDING** (Schuring, K., Greenspan, D.) To regulate the use of credit **312** cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office fails to comply with the Public Records Act, to make changes to the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation.

32-0 (Earlier REPORTED-SUBSTITUTE (No testimony)

Gongwer Coverage

**HB** **LICENSE FEES** (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary **336** instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative.

32-0

Gongwer Coverage

**HB** **ROAD NAMING** (Kelly, B., Dever, J.) To designate multiple memorial highways.

**347**

■ 32-0 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

**SB** **OPIOID MEDICATIONS** (Hackett, B., Hottinger, J.) Regarding naltrexone and medication-assisted **119** treatment.

32-0

Gongwer Coverage

**SB CONTROLLED SUBSTANCES (Eklund, J.)** To modify the laws pertaining to regulation of controlled substances and to make other changes in the laws administered by the State Board of Pharmacy.

32-0

Gongwer Coverage

**SB OCCUPATIONAL LICENSING (McColley, R.)** To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations.

24-8 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

**SB RATING AGENCIES (Hackett, B.)** To enact for the Revised Code a definition of the term "rating agency."

32-0

Gongwer Coverage

**SB ADMINISTRATIVE REGULATIONS (Peterson, B., McColley, R.)** To require agencies to reduce the number of regulatory restrictions.

23-9 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

**SCRAPPALACHIAN STORAGE HUB (Balderson, T.)** To urge the Congress of the United States to enact various bills advancing the development of an Appalachian storage hub.

31-1 (Skindell)

Gongwer Coverage

**SCRFEDERALISM (Obhof, L., Peterson, B.)** To reassert the principles of federalism found throughout the Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed.

25-7

Gongwer Coverage

## INFORMALLY PASSED

**SB DAY DESIGNATION (Hackett, B.)** To designate multiple memorial highways and bridges, to create multiple nonstandard license plates, to create multiple special designations, and to designate John Glenn's childhood home as a state historic site.

## SENATE CONCURS IN HOUSE AMENDMENTS



**SB CRIMINAL LAWS (Eklund, J., Tavares, C.)** To modify criminal sentencing and corrections law by **66** including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.

29-0

Gongwer Coverage

**SB WASTE COLLECTION VEHICLES (LaRose, F.)** To require motor vehicle operators to take certain **127** actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

29-0

Gongwer Coverage

**SB VOTING EQUIPMENT (LaRose, F.)** To make supplemental operating appropriations for the FY 2018-FY **135** 2019 biennium and supplemental capital appropriations for the FY 2017-FY 2018 biennium to implement a voting machine and equipment acquisition program.

31-1 (Jordan)

Gongwer Coverage

**SB SCHOOL REGULATIONS (Huffman, M.)** To enact the "Ohio Public School Deregulation Act" regarding **216** the administration of preschool and primary and secondary education programs, to add the territory of Summit County to the Stark State College District, and to prescribe procedures for appointing the board of trustees of the combined technical college district.

28-1 (Brown)

Gongwer Coverage

**SB CYBERSECURITY (Hackett, B., Bacon, K.)** To provide a legal safe harbor to covered entities that **220** implement a specified cybersecurity program, to allow transactions recorded by blockchain technology under the Uniform Electronic Transactions Act, and to alter the definition of "key employee" under the Casino Gaming Law.

29-0

Gongwer Coverage

**SB AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof.

**221**  
23-6Gongwer Coverage

**SB REGIONAL GOVERNMENT COUNCILS (Dolan, M.)** To modify the law concerning regional councils **239** of governments to clarify that a municipal corporation eligible to designate a tourism development district may designate more than one district, to specify that the American Law Institute's approved "Restatement of the Law, Liability Insurance" does not constitute the public policy of Ohio, to designate a portion of U.S. Route 33 in Meigs County as the "Steve Story Memorial Highway," to designate a portion of Interstate Route 270 in Franklin County as the "Officers Anthony Morelli and Eric Joering Memorial Highway," and to designate the portion of U.S. Route 24 in Henry County as the "Henry County Veterans Highway."

29-0

Gongwer Coverage

**SB WATER IMPROVEMENTS (Gardner, R., O'Brien, S.)** To credit additional amounts of the Local **299** Government Fund to fund public safety services in areas that experienced a 30% or more decrease in the taxable value of certain power plants between 2016 and 2017, to phase out the payments over ten years, to increase the appropriation to the Local Government Fund; to support broadband development; to establish the OhioCorps Pilot Project; and to make appropriations, including appropriations for the protection and preservation of Lake Erie and the National Guard Scholarship Program.

29-0

Gongwer Coverage

#### CONFERENCE REPORT ADOPTED

**SBD RUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession **1** violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, except for drug possession violations when the fentanyl-related compound is combined with marihuana or a Schedule III, IV, or V controlled substance and the offender did not know of the fentanyl content; to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse; and to add lisexamfetamine to the list of schedule II controlled substances.

31-1 (Skindell)

Gongwer Coverage

#### COMMITTEE HEARINGS

##### Energy & Natural Resources

**HB RENEWABLE ENERGY (Blessing, L.)** To revise the provisions governing renewable energy, energy **114** efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program. (SCHEDULED BUT NOT HEARD (See separate story); 8th Hearing-Possible amendments & vote)

**SB LAKE ERIE (Skindell, M., Eklund, J.)** To authorize the creation of a special improvement district to **51** facilitate Lake Erie shoreline improvement. (REPORTED-AMENDED (No testimony); 4th Hearing-All testimony-Possible vote)

Before reporting the measure, the committee adopted an amendment from Sen. Michael Skindell (D-Lakewood). The senator said his fellow lead cosponsor, Sen. John Eklund (R-Chardon), has also signed off on the change, which ensures that if state property lies within the district, the required assessment will not be forced upon the state.

##### Government Oversight & Reform

**HB SPECIAL ELECTIONS (Pelanda, D., Retherford, W.)** To eliminate the requirement of holding a special **18** election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances. (REPORTED-SUBSTITUTE; 2nd Hearing-All testimony-Possible amendments & vote)

A substitute version offered by chairman Sen. Bill Coley (R-Liberty Twp.) rolls another measure (SB 252) into the bill that allows local elected officials to serve on the board of a convention and visitors' bureau.

In written proponent testimony, Secretary of State Jon Husted said the original measure will save taxpayer dollars. He noted that a special congressional election in 2016 with just one candidate costed \$340,000.

**HB POLITICAL SUBDIVISION SPENDING** (Schuring, K., Greenspan, D.) Regarding use of credit cards 312 and debit cards by political subdivisions. (**REPORTED-SUBSTITUTE (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

A substitute version of the bill offered by Sen. Matt Huffman (R-Lima) largely cleans up language in the bill and also continues a property tax abatement for the City of Lorain, Sen. Coley explained.

**HB PUBLIC NOTICES** (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and 34 other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. (**REPORTED-SUBSTITUTE (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

Sen. Huffman offered an amendment accepted without objection to remove some sections pertaining to when electronic notices would not be allowed and to allow a recently elected public official to take public records training prior to taking office.

Another change allows a county prosecutor's office to represent port authorities, planning commissions and regional airport, Sen. Coley explained.

**SB OFFENDER RE-ENTRY** (Bacon, K., O'Brien, S.) To require the Department of Rehabilitation and 202 Correction to establish a reentry program for all offenders released from prison who it intends to have reside in a halfway house or similar facility but who are not accepted by any such facility; to require the Adult Parole Authority to establish maximum work-load and case-load standards for its parole and field officers and have enough trained officers to comply with the standards; to require that GPS monitoring used for offenders released from prison under such monitoring specify restrictions, including inclusionary zones and necessary exclusionary zones; to require the Department to establish system requirements for GPS monitoring of such offenders by the Department or third-party contract administrators; to require the Department to operate a statewide database for law enforcement use containing specified information about such offenders; to require that third-party administrators for GPS monitoring under a new contract with the Department provide and use a law enforcement-accessible crime scene correlation program; and to name the act's provisions the Reagan Tokes Law. (**CONTINUED (See separate story)**; 3rd Hearing-Proponent)

**SB OCCUPATIONAL LICENSING** (McColley, R.) To establish a statewide policy on occupational 255 regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations. (**REPORTED-SUBSTITUTE**; 4th Hearing-All testimony-Possible amendments & vote)

A substitute version of the bill offered by Sen. Joe Uecker (R-Loveland) makes several changes, including adding factors to the list used in determining whether an occupational licensing board has demonstrated a public need. (Comp doc)

It also provides that occupational regulations that are created by adopting national standards used in at least 45 states are deemed to be narrowly tailored and the least restrictive.

In written opponent testimony, Jarrod Clabaugh, executive director of the Ohio Society of Association Executives, called for lawmakers to seek additional input on the bill.

John Graham, president and CEO of the Center for Association Leadership, called for the creation of a task force.

"We suggest that instead the legislature establish a task force to consider the problem of excessive occupational licensing and to develop ways to address that problem without weakening the protections to the public offered by governmental recognition of private certification programs," he wrote.

**Subscribers Note:** For full testimony see the [committee's website](#) under June 26.

#### Finance

**HBLENDING LAWS** ([Koehler, K.](#), [Ashford, M.](#)) To modify the Short-Term Loan Act, to specify a minimum **123** duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. (**CONTINUED** (See **separate story**); 5th Hearing-All testimony-Possible vote)

#### Transportation, Commerce & Workforce

**HB ROAD NAMING** ([Kelly, B.](#), [Dever, J.](#)) To designate a portion of I-71 in Hamilton County as the "Sonny L. **347** Kim Memorial Highway." (**REPORTED-SUBSTITUTE** (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)

Chairman [Sen. Frank LaRose](#) (R-Hudson) said the substitute version allows the legislation for to be used as a vehicle for the naming of multiple memorial stretches of highway honoring people killed in the line of duty.

**SB ADMINISTRATIVE REGULATIONS** ([Peterson, B.](#), [McColley, R.](#)) To require agencies to reduce the **293** number of regulatory restrictions. (**REPORTED-SUBSTITUTE**); 4th Hearing-All testimony-Possible amendments & vote)

The committee accepted a substitute offered by [Sen. Rob McColley](#), (R-Napoleon), who said the updated measure would apply the mandate to cut regulations by 30% statewide "at more of a macro level than the micro level."

Sen. McColley said his version would require every head of a cabinet-level department and every statewide elected official to inventory all regulations associated with their departments, as well as the commissions or agencies under them, and apply the 30% reduction "in the aggregate." He said the change was needed because some individual agencies or commissions might not have room to cut the percentage of regulations required by the original legislation.

"There are many state agencies that are already running pretty lean and already have very few rules," he said.

The substitute version also would give the Joint Committee on Agency Rule Review the authority to approve or deny the cuts, he said.

Sen. Matt Dolan (R-Chagrin Falls) said he agrees with the goal but has concerns the legislature may be ceding too much authority under the proposal.

"We're asking (agencies) to get rid of regulations that are contrary to legislative intent," he said. "I would rather be the one to dictate what legislative intent is."

Sen. McColley said he thinks the substitute bill "actually strengthened the authority of JCARR," and therefore, the legislature.

The panel reported the bill along party lines after accepting the substitute version.

Before accepting Sen. McColley's changes, the committee tabled a substitute bill offered by [Sen. Charleta B. Tavares](#) (D-Columbus) that she said would remove the requirement that regulations be cut by 30% across the board in the state. Her version instead would have instead required state agencies to cut regulatory restrictions

until a reduction "deemed sufficient by the state agency in consultation with (JCARR) has been achieved," she said.

She said the substitute version also would have prohibited agencies from removing regulations required by federal law, among other changes.

"What we're trying to do is enlist both JCARR and the agencies in identifying those regulations or statutes that should be removed ... so that we can make informed decisions," she said.

Ahead of the adoption of the substitute legislation, Greg Lawson, research fellow with the Buckeye Institute, said the state "desperately needs" the effort to cut unneeded regulations to boost the economy. He said the state's licensing requirements are more restrictive than most states.

"Requiring appropriate education and training for physicians, healthcare providers, pilots, and truck drivers helps safeguard the general public in our hospitals and on our roads and runways," he said. "But the same cannot be said with respect to auctioneers, travel guides, and hairdressers-all currently subject to Ohio's byzantine and overly restrictive licensing requirements."

Mr. Lawson said efforts to rein in regulations could lead to employers hiring more workers and employees earning more.

"Beyond occupational licensing reform, Ohio must also reexamine government mandates that interfere with market-pricing and make goods artificially more expensive for businesses," he said. "Such interference ultimately leads to slower job growth as businesses curtail hiring and wages in order to offset the artificially higher costs created by the mandates.

**SB 308 ELEVATOR LAW** (Uecker, J., Yuko, K.) To revise the Elevator Law. (CONTINUED; 1st Hearing-Sponsor)

Sen. Joe Uecker (R-Loveland) said in sponsor testimony the measure, which has companion legislation (HB 236) in the House, would "modernize" the state's elevator laws.

"Taking elevators is a regular occurrence in our day to day lives and malfunctions can cause serious injuries to riders. SB308 seeks to codify industry standards and set licensure qualifications to help ensure the safety of both elevator riders and workers," he said.

He said the measure would update the state's definition for elevators and create an Elevator Safety Review Board, among other changes.

Sen. Kenny Yuko (D-Richmond Hts.), the measure's other primary sponsor, said the bill also establishes new licensing and insurance requirements for elevator contractors, inspectors and mechanics.

"Our goal is to ensure the safety for the public and for those who work and install elevators. The best way for us to ensure a high level of safety is to ensure that all elevators are installed and maintained by licensed professionals."

**HCRANTI-SEMITISM** (Thompson, A., Greenspan, D.) To condemn the Boycott, Divestment, and Sanctions **10** movement and increasing incidents of anti-Semitism. (REPORTED-AMENDED; 5th Hearing-All testimony-Possible amendments & vote)

Chairman LaRose amended the bill with language condemning white nationalists and other hate groups.

Sen. Tavares offered a substitute resolution, which would have condemned attacks and discrimination against all minority groups by hate groups including white nationalists and neo-Nazis, and remove references to the boycott movement.

"We can't say people can't talk," she said. "That goes against who we are as a nation and a state."

The panel tabled her proposal, and Sen. Tavares subsequently cast the lone vote against reporting the measure.


Prior to the report, Connie Hammond, a member of United Methodists for Kairos Response and the Free Speech Coalition of Ohio, said the legislation unfairly conflates the Boycott, Divestment, Sanctions movement with anti-Semitism and could be seen as a form of censorship.

"The International BDS movement is not anti-Semitic," she said. "The call to BDS issued by 170 Palestinian civil society organizations asked the international community to stand for freedom, equality and justice."

Sen. LaRose said he rejects the idea that the measure constituted any kind of censorship.

"There's nothing in here that restricts speech," he said.

#### Education

**HB COMMUNITY SCHOOLS (Roegner, K.)** Regarding public moneys returned to the state as a result of a **87** finding for recovery issued pursuant to an audit of a community school. (**REPORTED-AMENDED** (See  **separate story**); 4th Hearing-All testimony-Possible amendments & vote)


**SB ACADEMIC YEAR (Manning, G.)** To generally require public and chartered nonpublic schools to open for **34** instruction after Labor Day. (**Scheduled but not heard**); 7th Hearing-All testimony-Possible vote)

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**GONGWER** Ohio  
The Record of Capitol Square Since 1906

## Daily Activity Planner for Thursday, June 28

### Legislative Committees

**Joint Medicaid Oversight Committee** (Committee Record) (Chr. Huffman, S., 466-7584), Rm. 313, 9 a.m.

- Behavioral Health Redesign Update from Barbara Sears, Director, Ohio Department of Medicaid and Emily Higgins, Chair, OAHF Behavioral Health Subcommittee
- PBM Report from Barbara Sears, Director, Ohio Department of Medicaid

**Joint Ohio College Affordability Committee** (Chr. Wilson, S., 466-9739), Senate Finance Hearing Rm., 10 a.m.

- Overview of strategies for preserving and improving the affordability of a college education in Ohio by the Ohio Association of Community Colleges and the Inter-University Council of Ohio

**Joint Education Oversight Committee** (Committee Record) (Chr. Manning, G., 466-8150), North Hearing Rm., 11:30 a.m.

- Presentations by Connie Shriver (Coordinator of Career & Academic Readiness Education at the Mid-East Career and Technology Centers), Mary Murphy (Manager of Adult Success Initiatives at Lorain Community College), and Greg Harp (Vice President of Graduation Alliance) on Adult Graduation Pathways
- Presentations by the Ohio Department of Education and the Ohio Department of Job and Family Services on Early Childhood Programs
- Update on progress of other research projects (tentative)

### Agency Calendar

**Civil Rights Commission**, Lobby Mtg. Rm., 1st Fl., 30 E. Broad St., Columbus, 9:30 a.m.

**Elections Commission**, Rm. East B., 31st Fl., 77 S. High St., Columbus, 10 a.m.

**Business Gateway Steering Committee**, 30 East Broad Street, Room 2925, Columbus, 1 p.m.

**Public Utilities Commission of Ohio**, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

### Event Planner

**Rep. Brian Hill (R-Zanesville) golf outing fundraiser**, Eaglesticks Golf Club, 2655 Maysville Pike, Zanesville, 9:30 a.m., (9:30 am registration; 10:30 am shotgun start; 4:30 pm barbeque. Brian D. Hill for State Representative)

**Rep. Stephanie Howse (D-Cleveland) & Rep. Janine Boyd (D-Cleveland Hts.) fundraiser**, Lake Affect Studios, 1615 East 25th St., Cleveland, 5:30 p.m., (\$500, \$150, \$75, \$35 to Friends of Stephanie Howse, Friends

of Janine Boyd)

17 S. High St., Suite 630

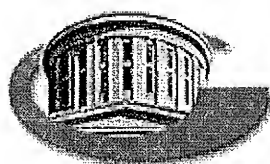
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## GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #87, Report #124 -- Wednesday, June 27, 2018

### Lake Erie, Voting Machine Funding Among Bills Headed To Governor

A busy day of lawmaking Wednesday saw a wide variety of bills sent to Gov. John Kasich's desk, including long-sought funding for new voting equipment and money to fight harmful algal blooms in Lake Erie.

In total, the two chambers sent 19 bills to the governor, including a pair dealing with oversight for charter schools. (*See separate story*)

The voting machine measure (SB 135) appropriates \$114.5 million to buy new equipment. The House had previously passed it, and the Senate voted 31-1 in to concur with a House amendment that updated the fiscal year in the language.

"We've had machines that in many cases are 15 years old," sponsor Sen. Frank LaRose (R-Hudson) said. "Our county boards of elections and folks all throughout Ohio are very excited about the prospect that maybe sometime this winter or next spring there may be a truck showing up with new voting machines."

"It's time that we got this done," Sen. LaRose, the Republican nominee for secretary of state, continued. "This is something we've been talking about for a while."

Rep. Kathleen Clyde (D-Kent), the Democratic nominee for secretary of state, touted the passage in a statement.

"Ohio has been in desperate need of voting system upgrades to meet the elections cybersecurity challenges we face today and to modernize our aging machinery," she said. "I am happy to see our boards of elections finally getting the resources they deserve after years of state budget cuts to local government funds. I was happy to support this bipartisan bill and will continue to ensure our counties are prepared for every elections challenge."

The Lake Erie measure (SB 299) began as a way to identify and financially support projects to combat harmful algal blooms. Among other provisions, it appropriates \$3.5 million in General Revenue Fund dollars to the Department of Agriculture for soil and water conservation districts and \$20 million to the Soil and Water Phosphorus Program.

The measure became a vehicle for spending-related amendments in the House Finance Committee Tuesday, but it collected only a few changes, making it more of a "modest decorated wreath" than a true "Christmas tree bill," as explained Wednesday by sponsoring Sen. Randy Gardner (R-Bowling Green).

Those amendments included \$7.1 million in disaster funding for 18 counties that sustained widespread flooding earlier this year. Other House-added items include \$1 million to boost broadband expansion efforts and \$1.5 million for the National Guard Scholarship. (*See Gongwer Ohio Report, June 26, 2018*)

It cleared the lower chamber in a unanimous vote after picking up an LSC technical amendment on the floor. The Senate then followed suit, approving the item 29-0.

Rep. Steven Arndt (R-Port Clinton), who sponsored companion legislation in the House, said the measure will go a long way toward reducing algal blooms in Lake Erie.

"This particular bill is really something that is extremely critical," he said.

Sen. Gardner called the bill a "classic example" of legislation in action given its bipartisan nature.

Both chambers accepted a conference report on a measure (SB 1) to toughen penalties for fentanyl traffickers.

The House approved the conference committee report 59-10, with Rep. Nathan Manning (R-N. Ridgeville) calling it a "very small change" in that it shifts the burden of proof to the prosecution to show a defendant knew of a fentanyl-related compound in his or her possession.

In the Senate, the vote was 31-1, with Sen. Michael Skindell (D-Lakewood) the only member opposed.

Sen. Skindell said the proposal doesn't just target traffickers, but also affects drug users. He also voiced concerns with how the state considers an aggregate amount of fentanyl, even if a little bit of fentanyl is mixed with a much greater amount of another drug.

"It not only throws the drug traffickers in jail, it throws the small users in jail," he said.

Sen. LaRose, the measure's sponsor, said the user would need to have reason to know it contained fentanyl to be charged.

"We did what we could to make sure that we truly are ensnaring the traffickers and not the addicts," he said. "We rely on reasonable prosecutors. We rely on reasonable judges and juries to do the work that they do."

A proposal initially designed to eliminate the need for a special election when only one candidate is on the ballot (HB 18) cleared the Senate unanimously but faced more opposition later in the evening when the House voted 67-22 to concur.

The dissent hinged on a provision added earlier in the day that allows some local elected officials to serve on the board of trustees of a convention and visitors' bureau. (*See committee listing*)

Rep. John Becker (R-Union Twp.) said the measure goes against an advisory opinion issued by the attorney general's office.

"The reason for that conflict is quite obvious," he said.

Rep. Dorothy Pelanda (R-Marysville) said if a conflict does exist, the public official can abstain from voting on a matter.

The bill also received opposition from Rep. Tom Brinkman (R-Cincinnati) who said in light of recent event, lawmakers should do all they can to avoid any hint of impropriety.

A measure (SB 66) to provide judges with more discretion in criminal sentencing also cleared both chambers.

Rep. Nathan Manning (R-N. Ridgeville), who ushered the bill through the House Criminal Justice Committee, called the measure a smart on crime bill. He also touted several of the bill's provisions, including one that allows for expanded record sealing.

"This is something that will get people back to work," he said.

Before voting 84-2 to move the bill back to the upper chamber, an amendment offered by Rep. Bill Seitz (R-Cincinnati) was accepted to make it clear that the number of felonies that can be sealed is five with an unlimited number of misdemeanors.

Rep. Jay Edwards (R-Nelsonville) and Rep. Tim Schaffer (R-Lancaster) cast the lone "no" votes.

The Senate voted 29-0 to approve the issue, with Sen. John Eklund (R-Chardon) and Sen. Charleta B. Tavares (D-Columbus) both urging support.

Sen. Eklund specifically pointed out a change that prevents those who have more than five felonies from pursuing the sealing of records. Although it runs somewhat contrary to the Senate's effort, Sen. Eklund said the change such a person would pursue that round "is slim."

"Notwithstanding that, I certainly think the amendments are salutary...and we've come to something that will make Ohio a more just place to live," he said.

Sen. Tavares too said she believes "the integrity and the strength of the legislation remains. We are trying to do what's fair and what's right and we really believe rehabilitation should be taken seriously."

Legislation (HB 318) initially designed to deal with qualification for school resource officers picked up several changes during its journey through the legislature, including having a measure (SB 246) prohibiting expulsion and suspension of young students rolled into it while in the upper chamber.

"Suspending a six-year-old child does absolutely nothing to help them," Rep. Sarah LaTourette (R-Chagrin Falls).

It cleared the lower chamber in a 69-20 vote, with Rep. Ron Hood (R-Ashville) speaking in opposition.

"This did not get vetted in committee the way it properly needed," he said.

A bill to add prongs to the Joint Committee on Agency Rule Review process cleared the House in a 73-19 vote after Rep. Dan Ramos (R-Lorain) raised concerns that the changes could make the body more partisan.

"It is not a committee where partisanship has come in to play," he said.

Other items sent to the governor included legislation to:

- Allow restaurants to let patrons to have dogs on outdoor patios (HB 263).
- Regulate credit and debit card use by political subdivisions and make other changes to how finances are handled by local governments (HB 312).
- Create a six-month pilot program to reduce driver's license reinstatement fees (HB 336).
- Designate roads after first responders and military personnel killed in the line of duty (HB 347).
- Waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans (SB 81).
- Require drivers to move over when passing waste collection vehicles (SB 127).
- Provide a legal safe harbor for companies that enact cybersecurity protections (SB 220).
- Boost the Joint Committee on Agency Rule Review's authority to clamp down on informal rulemaking among executive agencies (SB 221).
- Create more transparency in regional councils of government (SB 239).
- Waive the concealed carry license fee for active members of the armed services and retired and honorably discharged veterans (SB 81).
- Create an enhanced penalty for distracted driving (HB 95).

- Overhaul the law relating to embalmers, crematory operators and cemeteries ([HB 168](#)).

## Bills On Religion, Pharmacy Benefit Managers Among Dozens Backed By House

Legislation cited as "protecting" the religious beliefs of pastors and students, and a bill to limit charges from pharmacy benefit managers were among the slew of proposals receiving the House's stamp of approval during a marathon session Wednesday.

Also among the 31 measures passed in the first part of the session were a number of Senate bills that now advance to the desk of [Gov. John Kasich](#) thanks to Senate concurrence votes later in the day. The chamber also approved a conference committee report on a measure to boost penalties for drug trafficking and possession. (*See separate story*)

Regarding the religion-related legislation, both measures received substantial pushback from Democrats who contend they will open the door for discrimination.

The so-called Pastor Protection Act ([HB 36](#)) shields faith leaders, societies and others from civil repercussions should they refuse to solemnize marriage outside their beliefs. The plan picked up a floor amendment from [Rep. Bill Seitz](#) (R-Cincinnati) providing that in the event of a conflict between the bill and current public accommodations law, the legislation will take precedent.

[Rep. Dan Ramos](#) (D-Lorain) made a motion to lay the amendment on the table, which was turned back by Republicans. [Rep. Janine Boyd](#) (D-Cleveland Hts.) also moved to amend the item, but her motion was ruled out of order following the adoption of Rep. Seitz's change.

Sponsor Rep. Nino Vitale (R-Urbana) reiterated his belief the legislation does not target LGBTQ citizens. He painted it as an attempt to relieve the "tension" between contrasting beliefs and assure faith leaders existing protections under the Constitution will remain.

"This is not a sword," Rep. Vitale said. "This is intended to be a shield and protect everyone's rights."

But Rep. Boyd argued the legislation's scope is too broad in that it does not limit its provisions to religious groups or pastors.

"It is in essence saying that proprietors of property or services that rent to the public at large can turn away members of the LGBTQ community," she said, before the chamber endorsed the measure 59-29.

Similarly, the chamber voted 62-20 for a plan ([HB 428](#)) from [Rep. Sarah LaTourette](#) (R-Chagrin Falls) and [Rep. Tim Ginter](#) (R-Salem) that states students should be permitted to conduct religious expression and activities in schools in the same manner students may conduct secular activity or expression.

[Rep. Kent Smith](#) (D-Euclid) moved to amend the bill with language he said would label head coverings as permitted religious attire.

Rep. Ginter, however, voiced reservations, saying the change would open up "a pathway that is not the intention of this bill. There is no specificity in this bill toward any religion and that is purposeful." The GOP-dominated chamber as a whole agreed, turning away the proposed tweak 56-32.

Several Democrats spoke against the bill, including Rep. Ramos, who said the legislation is so broad it would permit shirts with messaging stating LGBTQ youth will go to hell or that Jesus is not real, or targeting specific faiths. To that, Rep. Ginter replied the school still has the authority to ban obscene or distracting clothing or activities.

Among other bills, the pharmacy legislation ([HB 479](#)) - from [Rep. Scott Lipps](#) (R-Franklin) and [Rep. Thomas West](#) (D-Canton) - requires patients to be informed of affordable prescription options. And it limits PBMs,

health plans or other administrators to charging no more than what an individual would pay for a drug were it purchased without coverage.

"For too long, PBMs have used predatory practices to target consumers and independent pharmacies," Rep. Lipps said. "I am proud Ohio is taking a lead role to end these deceiving practices, while improving transparency and lowering out-of-pocket drug costs."

Added Rep. West: "Today is a happy day here in Ohio because lower prescription drug prices are on their way."

Several pieces of legislation pertained to laws related to sexual activity, including proposals prohibiting sexting by persons under 19 years of age ([HB 355](#)) and the nonconsensual dissemination of private sexual images ([HB 497](#)) or "revenge porn." Those measures passed unanimously - 85-0 and 81-0 respectively.

So too did legislation ([HB 92](#)) requiring an offender who knowingly commits public indecency to be viewed by a minor for the purpose of sexual gratification to register as a Tier 1 sex offender if ordered by a judge (80-0).

Legislation ([HB 511](#)) establishing 18 as the age at which a person can marry was also approved with wide support (78-0). The proposal provides an exception for a 17-year-old with the consent of a juvenile court if the other spouse-to-be is not more than four years older.

"We do not allow minors to vote, to buy cigarettes or alcohol, to rent cars or apartments or to enter into other contracts yet we allow them to (marry) - one of the most important and impactful decisions of their young lives," said Rep. Laura Lanese (R-Grove City), lead cosponsor along with Rep. John Rogers (D-Mentor-on-the-Lake).

Democrats also attempted to amend a plan ([HB 502](#)) from Rep. Marlene Anielski (R-Walton Hills) that requires educators to take in-service training on youth suicide prevention every two years. Rep. Catherine Ingram (D-Cincinnati) sought to expand the bill to cover charter schools but the amendment was tabled 44-39 before the bill advanced 82-0.

The chamber also approved legislation:

- Granting civil immunity to medical providers and emergency medical technicians operating after a disaster ([HB 7](#)).
- Prohibiting certain terms from appearing in health care contracts between vision care providers and a contracting entity and establishing new disclosure requirements ([HB 156](#)).
- Establishing a regional kinship care navigator program ([HB 126](#)).
- Licensing home inspectors via the proposed Home Inspector Board ([HB 211](#)).
- Designating the month of April as "Respect Your Date Month" and requiring higher education institutions to adopt a policy regarding dating and domestic violence ([HB 240](#)). The chamber approved an emergency clause 75-6.
- Including search and rescue dogs and horses in the prohibition against assaulting or harassing a police animal ([HB 349](#)).
- Prohibiting consumer credit reporting agencies from charging a fee to freeze a consumer's credit report or to remove or temporarily lift a freeze ([HB 386](#)).
- Exempting police body camera and dashboard footage from public record laws under certain circumstances, such as if it depicts the identity of a child or the victim of a sex crime ([HB 425](#)).
- Authorizing a nonrefundable insurance company tax credit for contributing capital for transformational mixed use development construction ([HB 469](#)).

- Requiring the Department of Agriculture to regulate multi-parcel auctions (HB 480).
- Enacting a myriad of township changes including: increasing the obligations a board of township trustees may authorize its officers to incur, permitting a township to require reimbursement of emergency services levy revenue foregone because of the creation of a tax increment financing incentive district, and more (HB 500).
- Requiring the development and adoption of a new framework for teacher and administrator evaluations (HB 540).
- Permitting county prosecutors to enter into contract with regional airport authorities, port authorities or a regional planning commission as a legal adviser (HB 543).
- Requiring the Public Employees Retirement System Board to grant a full year of service credit to qualified members employed as nonteaching school employees of a county board of development disabilities (HB 572).
- Revising the probate process through various changes including disqualifying a person convicted of involuntary manslaughter from benefiting from the victim's death (HB 595).

### Senate Passes Measures Focused On Reducing Regulations

A pair of legislative efforts to rein in regulations cleared the Senate Wednesday, with Republicans saying the proposals would make life easier for businesses.

Democrats said the two measures were arbitrary efforts to reduce agency rules that don't get at the issue of targeting unneeded regulations and could reduce important oversight.

One of the items (SB 293) cleared the Senate Transportation, Commerce and Workforce Committee earlier Wednesday after the panel replaced it with a substitute version to apply the regulation-cutting mandate more broadly across state departments, rather than to individual agencies. (*See committee listing*)

As a result of the changes, the legislation would require departments overall to cut regulations by 30%, sponsor Sen. Bob Peterson (R-Sabina) said. It would also create a website where individuals and businesses can report burdensome regulations to the Joint Committee on Agency Rule Review.

"We need to know how many restrictions we have, we need to systematically review them, and we need to revisit the rules that are unnecessary," Sen. Peterson said.

Majority Republicans tabled an amendment from Sen. Charleta B. Tavares (D-Columbus) that would have eliminated the 30% reduction requirement.

"This amendment calls for them to reduce restrictions without placing the arbitrary requirement," she said. "This amendment calls on state agencies to inventory what regulations exist."

Sen. Peterson said the amendment was unnecessary because JCARR can already grant departments exemptions for certain rules.

Lawmakers can also work to reduce regulations by avoiding situations where legislation leaves the details to be sorted out by agencies, said Sen. Lou Terhar (R-Cincinnati).

"The real issue here is how many things do we and our predecessors punt on and let it go to an agency rather than making a decision," he said.

Sometimes that's appropriate, said Sen. John Eklund (R-Chardon).

"Sometimes it's an acknowledgement or a willingness to acknowledge that there are experts in the administration of the government" with more expertise than lawmakers, he said.

The measure passed along party lines.

The other effort targeting regulations ([SB 255](#)) focused on occupational licensing. Sponsor [Sen. Rob McColley](#) (R-Napoleon) said it would create a process to review the state's occupational licensing requirements every five years.

"Frankly it's costing Ohioans the ability to earn a living and it's costing Ohioans the opportunity to contribute to our economy," he said of excessive licensing requirements.

[Sen. Joe Schiavoni](#) (D-Boardman) said lawmakers should consider issues with occupational licenses and fix them rather than creating a complicated process to routinely review the need for them.

Senate [President Larry Obhof](#) (R-Medina) said he thought the government has gotten "too big, too unwieldy."

"Too much of our authority has been usurped or given away over the years by legislators who thought it was easier to punt rulemaking authority," he said.

The measure passed 24-8.

The chamber unanimously passed a measure ([SB 119](#)), known as Daniel's Law, intended to ensure patients using naltrexone, a medication-assisted treatment also known as Vivitrol, can get an emergency dose from a pharmacy in certain emergency situations.

"When in a pinch, patients will have access to every pharmacy in the state of Ohio to act as a trampoline back into the system when the system fails," sponsor [Sen. Bob Hackett](#) (R-London) said.

Also advancing in the chamber were measures to:

- Provide a definition for an insurance rating agency ([SB 273](#)).
- Modify controlled substances laws with the Board of Pharmacy, including placing the list of controlled substances in rule rather than statute ([SB 229](#)).
- Urge Congress to support the creation of the Appalachian storage hub ([SCR 21](#)).
- Call on Congress to end certain mandates and emphasize the importance of federalism and the 10<sup>th</sup> Amendment ([SCR 23](#)), which passed 25-7.

#### Bills Amended To Enhance Online School Oversight Head To Governor

The House and Senate on Wednesday approved separate measures that were amended this week to include multiple e-school reforms and sent them to [Gov. John Kasich](#) for his signature.

While [Rep. Keith Faber](#) (R-Celina) and [Rep. Bill Reineke](#) (R-Tiffin) introduced legislation ([HB 707](#)) on the topic last week, lawmakers quickly sought alternative pathways to get some of its provisions passed sooner rather than later. The actions by the chambers achieve a goal set [Speaker Ryan Smith](#) (R-Bidwell) of pushing forward with legislation aimed at improving the state's online schools ahead of summer recess. (See [Gongwer Ohio Report, June 25, 2018](#))

[Sen. Peggy Lehner](#) (R-Kettering), chairwoman of the Senate Education Committee said lawmakers from both chambers came to an agreement ahead of Wednesday's session that certain portions from the measure would be split among a bill ([HB 87](#)) under consideration in the Senate and another ([SB 216](#)) under consideration in the House.



"You really have to look at these two bills together," she said.

The original intent of HB 87 was to clarify that funding must be returned to local school districts when an audit of a charter school leads to a finding for recovery, while SB216 is an overhaul measure that makes dozens of changes to the state's K-12 education system.

The upper chamber passed HB 87 by a vote of 30-2 with Sen. Joe Schiavoni (D-Boardman) and Sen. Michael Skindell (D-Lakewood) voting in opposition. The House concurred in Senate amendments by a vote of 70-22.

The Senate Education Committee earlier in the day amended HB 87 to create a "safe harbor" for schools that grew by 20% from taking in former Electronic Classroom of Tomorrow students from certain accountability measures, including closure. The House Education & Career Readiness Committee on Tuesday accepted a similar amendment to SB 216 that set the threshold at for the threshold for the safe harbor at 10%. (See Gongwer Ohio Report, June 26, 2018)

Sen. Schiavoni said he cast his vote against the measure because the safe harbor provision could shield poorly performing schools from accountability.

"My concern is that by putting an amendment like this in the bill we might be creating another ECOT," he said.

Sen. Lehner said another amendment passed in the Senate committee clarifies that the safe harbor will not protect schools that would have faced closure before considering the performance of students taken in from the now-shuttered e-school.

"We are not excusing bad performance of any school," she said.

Sen. Lehner said another Senate amendment to HB 87 dealing with e-schools would require the superintendent of public instruction to set guidelines for activity-tracking software to be used by online charter schools.

Another amendment "would remove a significant conflict of interest" regarding the state auditor's office and payments by online schools, she said.

"Currently, amounts payable may be reduced according to policies determined both by the superintendent of public instruction and the auditor of state," she said. "This amendment will change the statute to require the (superintendent) to establish these policies in consultation with the (auditor) instead, so that the auditor is not put in a position to establish policies they may later audit."

Sen. Lehner said other amendments adopted by her committee that are not focused on e-schools would:

- Give school districts an additional year to put a substitute levy on the ballot.
- Clarify that only a superintendent or school board president can sign contracts and other employment documents related to the district's treasurer or his or her family members.
- Allow school districts and other public employers to "collectively contract for health clinic services."

The committee also adopted an amendment Sen. Randy Gardner (R-Bowling Green) said would prohibit the state from requiring local school boards to submit five-year financial forecast before Nov. 30. The provision mirrors one added to SB 216 in committee Tuesday.

The House passed SB 216 by a vote of 60-32 after accepting two amendments. The Senate concurred in House amendments by a vote of 28-1 with Sen. Edna Brown (D-Toledo) in opposition.

Rep. Andy Brenner's (R-Powell) amendment required a study of school takeovers be sent to the Joint Education Oversight Committee for further review after its completion. The House accepted the amendment by a vote of 62-28.



A floor amendment offered by Rep. Jeff Rezabek (R-Clayton) and accepted by a vote of 61-28 stripped a provision from the law that would have revised the state's standard for what an "excessively absent" student is by excluding excused absences. Under existing law, a student is "excessively absent" when they miss 38 or more hours in a month or 65 or more hours in a year whether the absences were excused or not.

The House Education & Career Readiness Committee on Tuesday reported SB 216 along party lines after accepting several amendments, including one with multiple provisions aimed at e-school reform. The amendment was inspired by HB 707, which in turn took cues from recommendations offered by Auditor Dave Yost.

The amendment would require the superintendent of public instruction to craft recommended definitions for the state to adopt regarding e-school enrollment and participation and create a committee to study the potential of student-performance, among other provisions.

Sen. Lehner said she views the creation of the committee as one of the most important provisions in the two pieces of legislation.

"The study committee is the most important part of that because that's going to (lead to) more substantive long-term reforms than some of the more minor (provisions)," she said.

Rep. Teresa Fedor (D-Toledo) said the online school provisions the committee added to SB 216 need more vetting, but were being rushed into law to provide "political cover" for Republicans in the wake of the closure of the ECOT. After ECOT shut its doors in January, Auditor Yost referred his office's audit of the school for potential prosecution. (See Gongwer Ohio Report, May 10, 2018)

"I'm sorry to say this bill has been hijacked," she said.

She was gaveled out of order by Speaker Smith when she likened ECOT's funding, which is the subject of clawback efforts by the state, to an ATM for Republican campaign committees.

The panel and later the full Senate rejected an amendment offered by Sen. Schiavoni that would have set additional guidelines for e-schools. He said the change would have required an in-person parent teacher conference to be scheduled if a student doesn't log in for 10 days and the addition of disclaimers on e-school advertisements noting if they were paid for with public money and what grades the school had received from the state, among other changes.

"We have to have additional accountability and transparency," he said.

Sen. Lehner opposed the amendment but said she agreed with Sen. Schiavoni that the state's work on updating standards for online schools is not done.

The Senate also tabled an amendment offered by Sen. Schiavoni that would have extended eased graduation requirements put in place for the class of 2018 for the next two school years. The House Education & Career Readiness Committee rejected an amendment with the same effect offered by Rep. Tavia Galonski (D-Akron) Tuesday.

Before passing SB 216, the House tabled an amendment offered by Rep. Galonski that would have appointed a special investigator in the ECOT case.

Rep. Brenner said he viewed the amendment as premature because ECOT still has an appeal before the Ohio Supreme Court related to purported overpayments the State Board of Education voted to claw back from the school, leading to its closure.

Democrats later ripped majority Republicans for refusing to add additional accountability provisions to the bill, saying it gives a "free pass to Ohio's out-of-control charter schools" and elected officials.

"This is a politically motivated bill to give the same GOP politicians who used ECOT and charter school sponsors to bankroll their campaigns a free pass on taking responsibility for the mess they created," Rep. Galonski said.

Sen. Matt Huffman (R-Lima), SB 216's primary sponsor, said crafting and passing the substantial bill involved a lot of give and take among lawmakers and interested parties.

He listed the House's changes, saying he did not agree with all of them but that the bill retains the goal that superintendents had when they suggested the package to him several months ago - that is, eliminating unnecessary and burdensome regulations.

"This is a product of about 15 months-worth of work with a lot of good things in it," he said.

State Auditor Dave Yost issued a statement Wednesday evening welcoming passage of the measures.

"The legislation approved by the General Assembly today addresses some of the weaknesses my office has pointed out for years that limited the state's ability to demand full accountability from online schools and operators," he said. "While we were not successful in gaining passage of all reforms we believe are needed, these changes will make a significant difference."

#### Senate Panel Delays Vote On Energy Standards, Wind Setback Bill

A Senate committee Wednesday held off on a potential vote on controversial legislation to lower the renewable and energy efficiency standards, with lead negotiators telling interested parties they are "very close" to a final product.

The closely-watched measure (HB 114) was scheduled for its eighth hearing before the Senate Energy & Natural Resources and marked for possible amendments and a vote.

But the proposal was ultimately not heard, with Chairman Sen. Troy Balderson (R-Zanesville) and Sen. Bill Beagle (R-Tipp City) instead briefing stakeholders in attendance of their progress on the bill and promising "the bill's not dead."

"It's closer (to passing) than it's been for a while," Chairman Sen. Troy Balderson (R-Zanesville) said in an interview.

The measure began as a House effort to render the standards voluntary and expand the mercantile opt-out. That followed Gov. John Kasich's 2016 veto of a similar, but less far-reaching measure (HB554, 131st General Assembly).

Senators in May then accepted a substitute version that restored the mandatory nature of the standards, although it still lowers the renewable standards to 8.5% by 2022 instead of current law's 12.5% by 2026 and the efficiency standards to 17.2% by 2026 instead of the current 22.2% by 2027. It also loosens wind setback restrictions that advocates accused of stifling the industry - a prospect House leaders have expressed reluctant to accept in the past. (See Gongwer Ohio Report, May 16, 2018)

More changes are likely, as the lawmakers court support within their caucus and among stakeholders. Sen. Beagle said they're still sorting through feedback following the most recent changes - including those related to the mercantile opt-out, the wind setbacks and energy efficiency benchmarks.

"At this point, anytime you amend something everything's kind of tight so if we move a little bit here we need to understand what the ramifications are over there and that's just taking time," Sen. Beagle said. "We want to make sure we get this right. It's been an issue we've been talking about for a long time and it's been in the chamber a while. We'd rather take some time to make sure we get the best bill we can before we send it over to the House."

Sen. Balderson said talks continue with the Kasich administration over the renewable standards proposed by the current bill.

"The administration is aware of our number," he said. "While they are not satisfied with it, we continue to have positive discussions on a number of other areas we can all agree upon."

A Kasich spokesman declined to comment on the pending legislation.

At the same time, both said they haven't gone out of their way to keep their House counterparts in the loop on discussions. Although the legislation in its current form is likely to face a steeper climb in the lower chamber, the senators said their principal concern is mustering up enough support within their own caucus.

"We're really kind of focused on making sure we have enough votes in the Senate," Sen. Beagle said. "We're really focused on getting a product we can get out hopefully on a bipartisan basis and that's tough enough."

Added Sen. Balderson: "Once we have our numbers here that we need in the Senate, then we'll focus on the House. They're aware...so there's no reason for (Sen. Beagle) and I to be sitting down in front of them."

### Proposed Regulations Inspired By State Fair Ride Death Get Initial Hearing

Nearly a year removed from a thrill ride breakdown at the Ohio State Fair that killed 18-year-old Tyler Jarrell and injured several others, the House took up legislation to tighten regulation of inspections overseen by the Department of Agriculture.

Sponsored by Rep. John Patterson (D-Jefferson) and Rep. Jim Hughes (R-Columbus), the measure would revise current safety inspection standards, define the qualifications for inspectors, and require owners to maintain current records for all their amusement rides.

Rep. Patterson told members of the House Agriculture & Rural Development Committee that the measure, while inspired by the tragedy, is about looking ahead "to better ensure the safety of Ohioans for years to come by revisiting current legislation to provide a more robust approach to ride safety and inspection."

The sponsors pointed out that while the rides have become more prevalent, diverse and complicated over the years, the number of Ohio inspectors has remained fairly constant.

Rep. Hughes said the bill focuses on ride inspections in two ways.

"First, it expands the Director of Agriculture's rule-making authority regarding amusement ride safety. Specifically, it requires a minimum number of inspectors be assigned to inspect a ride, ensuring that number is reasonable and adequate given the size, complexity, and nature of the ride," he said. "Second, it requires the Director to adopt the standards of the American Society for Testing and Materials, or any other equivalent standards, in whole. Current law does not require the Director to adopt these standards, neither in whole or part."

The measure also addresses the qualifications for newly hired inspectors, Rep. Hughes said. "The bill requires the Director, when employing a new Chief Inspector or an additional amusement ride inspector, to give preference to individuals who are registered professional engineers. If no registered professional engineer seeks employment as an inspector, the Director must give preference to individuals who have been issued a level one or higher inspector certification from the National Association of Amusement Ride Safety Officials."

Those restrictions would be forward-looking and not impact those currently employed as inspectors, he said.

The bill would retain the current law requirement that the ODA director provide necessary training for inspectors to administer and enforce the laws governing amusement ride safety. "Similarly, the bill still allows the director to appoint or contract other persons to perform inspections of amusement rides, provided that they meet the qualifications for inspectors and are not owners, or employees of any amusement ride subject to inspection," Rep. Hughes said.

The record-keeping mandates in the bill would apply to electronic manuals for each amusement ride that is inspected in Ohio, if available, and the ODA director may require the owner to also include "detailed written descriptions or photographs of all maintenance, repairs, and inspections in the record," Mr. Hughes said.

"Finally, HB631 prohibits ride owners from knowingly failing to keep a record or knowingly failing to make records available to the Department or ride inspector, and it imposes a fine of \$100 to \$500 for a violation of the prohibition. While current law requires an owner to keep records and make them available for inspection, it does not establish a specific penalty for failure to do so," he concluded.

Asked about the extent of the potential fines, Rep. Patterson said they could apply to every ride that's out of compliance or it could depend on the circumstances. He said the sponsors wanted to leave some discretion for ODA to develop more specific guidelines under the bill.

"We don't want the money," Rep. Hughes added. "We want them to be safe."

Rep. Kyle Koehler (R-Springfield) questioned whether the provisions would have prevented last year's failure of the Fire Ball ride.

"It definitely would have helped the situation, but what we're trying to do is prevent another occurrence of this in the future," Mr. Patterson said.

The sponsor told Rep. James Hoops (R-Napoleon) that the requirements would apply to all rides operated in the state, including those at county fairs and other events.

Chairman Rep. Brian Hill (R-Zanesville) raised the issue of funding for additional inspection duties and also noted that a review of the incident did not result in any punitive actions against state inspectors.

Rep. Jack Cera (D-Bellaire) said consideration must be given to ODA's budget if the bill is enacted.

Mr. Hughes said there have been communications with the agency regarding the proposals and further meetings with the agency are planned.

ODA spokesman Mark Bruce said the agency typically doesn't comment on pending legislation.

"The department has had discussions about possible ways to strengthen Ohio's already robust amusement ride safety program," he said in an email.

High Court Strikes Down 'Agency Fees' For Public Sector Unions; Kennedy Announces Retirement

Organized labor was dealt a major blow Wednesday by the U.S. Supreme Court.

In a highly anticipated decision, the court in a 5-4 ruling held that non-union workers cannot be forced to pay fees to public sector unions.

Writing for the majority, Justice Samuel Alito found the requirement that non-union employees pay "agency fees" to the collective bargaining unit runs afoul of free speech protections.

"This procedure violates the First Amendment and cannot continue," Justice Alito wrote. "Neither an agency fee nor any other payment to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay. By agreeing to pay, nonmembers are waiving their First Amendment rights, and such a waiver cannot be presumed."

He was joined in his opinion by Chief Justice John Roberts, Justice Clarence Thomas, Justice Neil Gorsuch and Justice Anthony Kennedy, considered the swing vote on the court and who announced his retirement Wednesday.

The decision overturns a 1977 high court ruling that upheld the practice as constitutional.

"We recognize that the loss of payments from nonmembers may cause unions to experience unpleasant transition costs in the short term, and may require unions to make adjustments in order to attract and retain members. But we must weigh these disadvantages against the considerable windfall that unions have received under *Abood* for the past 41 years," Justice Alito wrote.

"It is hard to estimate how many billions of dollars have been taken from nonmembers and transferred to public-sector unions in violation of the First Amendment. Those unconstitutional exactions cannot be allowed to continue indefinitely."

Statements for and against the decision poured in swiftly.

Ohio Republicans were largely silent on the ruling. However, the Buckeye Institute cheered the decision.

"The Supreme Court today in *Janus v. AFSCME* announced its basic rule of human decency and common sense: consent matters - and hardworking public-sector workers can no longer be forced to pay for political speech or other activities without their affirmative consent," President and CEO Robert Alt said in a statement.

The American Legislative Exchange Council also hailed the ruling.

"Today's *Janus* decision overturns a precedent set 41 years ago. This will allow workers to keep their pay, they will no longer be forced to pay fees that support a union's collective bargaining efforts and administrative work," said Robert Ordway, Director of the Commerce, Insurance and Economic Development Task Force at ALEC.

The court's liberal justices dissented in the decision, with Justice Elena Kagan writing that the majority's holding will lead to "a collective action problem of nightmarish proportions."

Among the repercussions of the decision, she predicted that it will lead to a decline in public sector unionization.

"Everyone - not just those who oppose the union, but also those who back it - has an economic incentive to withhold dues; only altruism or loyalty - as against financial self-interest - can explain why an employee would pay the union for its services," she wrote in a dissent joined by Justice Ruth Bader Ginsburg, Justice Stephen Breyer and Justice Sonia Sotomayor.

She also accused the majority of "weaponizing the First Amendment, in a way that unleashes judges, now and in the future, to intervene in economic and regulatory policy."

Several Democratic lawmakers blasted the decision in statements, as did unions. Jay McDonald, president of the Ohio Fraternal Order of Police, said the group is "confident that our membership understands the value of belonging to the FOP and we will continue to work hard to keep their trust."

Ohio AFL-CIO President Tim Burga said "billionaires and corporate special interests that have manipulated our system of justice have succeeded in getting the highest court in the land to do their bidding."

The Ohio Federation of Teachers and the Ohio Education Association also spoke out. OFT President Melissa Cropper said the decision will lead to greater activism among her members.

"This decision today is a momentary triumph for the wealthy special interests who backed this lawsuit," she said. "But the voices of working people will not go unheard. And unions, such as ours, remain the best way to make sure decision-makers - at work or in the halls of government - are listening."

The Ohio Civil Service Employees Association said the decision "will only further rig the economy in favor of the wealthy and corporate interests."

OAPSE Executive Director Joe Rugola called the decision political.

"Justice Alito even says in his opinion that unions are powerful and get things done for our members," he said. "That's what the anti-union forces are afraid of: that our collective voice on behalf of workers will mean better pay and benefits for working people."

**Kennedy Retirement:** Justice Kennedy announced his retirement Wednesday, paving the way for Republicans to move the court in a decidedly rightward direction, a fact that was not overlooked by many, including Ohio Right to Life, which predicted the overturning of *Roe v. Wade*.

"Moments like these are why pro-life Americans elected President Donald Trump," President Mike Gonidakis said. "He has the historic opportunity to add a justice who will serve as the fifth pro-life vote on the court. Ohio Right to Life's goal has always been to overturn *Roe v. Wade* and to see the end of abortion, which has killed 60 million American children in the last 45 years."

NARAL Pro-Choice Ohio Executive Director Kellie Copeland expressed concern that the next right-leaning appointee would be in a position to overturn the "constitutional right to access abortion."

"Americans have had their rights stripped away by the US Supreme Court, thanks in part to a stolen seat that should have been filled by President Barack Obama," she said. "Women, union members, and immigrants all were harmed by decisions handed down just this week. We need a court that protects and respects rights, not one that pushes the political agenda of Donald Trump, Mike Pence and their ultra conservative cronies."

U.S. Rep. Bill Johnson (R-Marietta) encouraged his upper chamber colleagues to act quickly on filling the court opening.

"I encourage President Trump to nominate a qualified jurist from the list of potential Supreme Court judges he unveiled during his presidential campaign - someone who will interpret the Constitution as written, rather than legislating from the bench," he said. "Whoever ends up filling this vacancy will play a major role in the future of the high court."

Justice Kennedy plans to step down at the end of July, and U.S. Senate Majority Leader Mitch McConnell (R-KY) said he plans to hold a vote on a replacement this fall.

The White House in a statement provided no timeline on choosing the justice's successor and instead focused on his service.

"A Californian - like the president who appointed him - Justice Kennedy is a true man of letters," the statement read. "During his tenure on the court, he authored landmark opinions in every significant area of constitutional law, most notably on equal protection under the law, the separation of powers, and the First Amendment's guarantees of freedom of speech and religion."

**Chairman: Senate Looking For Balance With Payday Lending Measure**

Two weeks in the Senate wasn't enough time to resolve the complex issues surrounding payday lending law revisions, and interested parties will keep talking on a compromise, a key lawmaker guiding the process said Wednesday.

Sen. Scott Oelslager (R-N. Canton) made the comments following a meeting of the Senate Finance Committee, which he chairs. The panel heard some additional testimony before a surprise attempt by the ranking minority member to move it forward.

The chairman previous said he didn't intend to take any amendments or call a vote on the proposal (HB 123) this week, but Sen. Michael Skindell (D-Lakewood) made a motion to report the measure before the meeting could be adjourned.

After committee members were called back from other meetings, majority Republicans voted on party lines to table Sen. Skindell's motion.